

Comment

Consultee	Nick Daines [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nick Daines [REDACTED]
Comment ID	PSLP_861
Response Date	01/06/21 23:53
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation Nick Daines CPRE (Sussex)

Question 3

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

Question 3a

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

Policy EN 11

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

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

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

Question 5

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

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Policy EN 11

The Regulation 19 Habitats Regulations Assessment (HRA) undertaken by AECOM on behalf of Tunbridge Wells Borough Council (TWBC) concludes at page 27, that:

“Therefore, it can be concluded that there will be no adverse effects upon the integrity of Ashdown Forest SPA [Special Protection Area] as a result of increased recreational pressure resulting from the Borough of Tunbridge Wells Local Plan.”

Although the HRA considers that development within the Borough may give rise to a likely significant effect to the conservation objectives of the Special Protection Area (SPA) through increased visitor pressure, the appropriate assessment within the HRA has ruled out an adverse effect due to the implementation of mitigation/avoidance measures in the form of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

Paragraph: 003 Reference ID: 65-003-20190722 in the Government Guidance Appropriate assessment
- GOV.UK (www.gov.uk) on appropriate assessment states:

“An appropriate assessment must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project.”

Although CPRE (Sussex) support much of the information pertaining to the SPA in the HRA, they do not consider the conclusion of no adverse effect is justified due to a complete lack of evidence to support the effectiveness of the proposed mitigation/avoidance measures comprising SANG and SAMM. It is not that the findings of the HRA with regard to the SPA do not reach the required threshold of being beyond reasonable scientific doubt, there is a total lack of complete, precise and definitive findings to support the conclusion of no adverse effect.

The HRA contains a considerable volume of text leading up to the conclusion of a potential adverse effect from additional visitor pressure, but then states that Policy EN 11 will be adopted. This policy includes the requirements for developer contributions for SAMM and SANG provision for sites within the 7 km zone, but nowhere within the appropriate assessment is any information whatsoever to confirm the effectiveness of these proposed measures.

Contained in Policy EN 11 is the requirement for:

"Alternative provision(s) for mitigation to address the impact of visitors will only be considered where it can be demonstrated that it will be effective and deliverable over the lifetime of the development."

Thus, the policy requires that any alternative mitigation proposals should demonstrate their effectiveness before they will be considered despite there being no information provided in the appropriate assessment to demonstrate the effectiveness of SANG and SAMM.

Furthermore, TWBC's mitigation/avoidance measures are only intended to address the impact of recreational pressure from development within 7km of the SPA. Within this zone, TWBC does not propose to include any housing allocations and only considers that some windfall development may occur. But data contained within the HRA indicates that a large proportion (80%) of visitors to the SPA from TWBC live outside this 7 km zone indicating that visitors from development beyond this distance could increase the current pressure and result in an adverse effect. Thus, policies that the HRA currently

screens out as not likely to have a significant effect as their development is outside the 7km zone, could well have a significant effect once a correct interpretation of the results of the visitor survey is undertaken.

The 2016 visitor survey relied upon by the HRA identified that 3% of the total number of dog walkers visiting the SPA came from three settlements in TWB all outside the 7km zone. Furthermore 75% of the visitors to the SPA from TWB came from these same three settlements outside the 7km zone. In the penultimate paragraph in Section 5 of the HRA titled Appropriate Assessment, it is stated:

“Whilst there is strong scientific evidence to conclude that TWB’s contribution to recreation in Ashdown Forest is insignificant, policy EN 11 ensures that the effect of any net new housing within 7km will be subject to appropriate mitigation, according to the SAMM and SANG approach adopted by surrounding authorities”

It is clear to CPRE (Sussex) that 3% of the total number of dog walkers visiting the SPA, 3% of the total number of frequent visitors and 5% of the total number of visitors interviewed as coming from TWB, cannot be considered as insignificant. However, this incorrect conclusion of insignificance is possibly the reason whereby any increase in visitors from outside the 7km zone has been incorrectly screened out. Quite obviously, with around 1,500 new dwellings being proposed for Royal Tunbridge Wells under Policy STR/RTW 1, plus further dwellings arising from intensification and windfalls, based upon the findings of the visitor survey, it is highly likely that a proportion of these new residents will visit the SPA and potentially contribute to an adverse effect. But bizarrely, this impact does not figure in the appropriate assessment as it has been incorrectly screened out.

Thus, the HRA is deficient in both identifying the area from which additional visitor pressure could arise and proposing avoidance/mitigation measures which are unsupported by any analysis or data confirming their effectiveness. Despite the conclusion reached by the HRA in regard to the SPA, this conclusion of no adverse effect is contrary to the requirements of the Habitats Directive, the Habitats Regulations and Government Guidance meaning that the HRA is not justified and unsound.

Without an HRA conforming to the Regulations and correctly concluding no adverse effect to the SPA, Policies EN 11, STR 1 and ED 1 that rely on the conclusions of the appropriate assessment in the HRA are not justified and cannot be taken forward into the new plan.

Question 6

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

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The appropriate assessment within the Regulation 19 HRA is defective thereby failing to support Policy EN 11.

To rectify this lack of justification, the appropriate assessment should be revised to:

1. Correctly identify the areas of Tunbridge Wells Borough from where additional visitor pressure to the SPA may arise from development, and
2. Provide avoidance/mitigation measures to prevent any increase in visitor pressure arising from development within the submission local plan that are supported by complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan on Ashdown Forest SPA.

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:

It is anticipated that both TWBC and Natural England will not agree with our view that the appropriate assessment within the HRA is defective with regard to Ashdown Forest SPA. Our presence at the hearing will enable us to explain more fully to the Inspector our reasons for concluding the assessment is defective and we will be able to challenge any defence of parts of the assessment.

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	Nick Daines [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nick Daines [REDACTED]
Comment ID	PSLP_276
Response Date	01/06/21 23:47
Consultation Point	Policy EN 11 Ashdown Forest Special Protection Area and Special Area of Conservation (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 1

Respondent's Name and/or Organisation	CPRE Sussex
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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 EN11

Question 4

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Is sound	No
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Question 4a

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Thus, the HRA is deficient in both identifying the area from which additional visitor pressure could arise and proposing avoidance/mitigation measures which are unsupported by any analysis or data confirming their effectiveness. Despite the conclusion reached by the HRA in regard to the SPA, this conclusion of no adverse effect is contrary to the requirements of the Habitats Directive, the Habitats Regulations and Government Guidance meaning that the HRA is not justified and unsound.

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Question 6

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The appropriate assessment within the Regulation 19 HRA is defective thereby failing to justify Policy EN 11 and others.

To rectify this lack of justification, the appropriate assessment should be revised to:

- 1 Correctly identify the areas of Tunbridge Wells Borough from where additional visitor pressure to the SPA may arise from development, and
- 1 Provide avoidance/mitigation measures to prevent any increase in visitor pressure arising from development within the submission local plan that are supported by complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan on Ashdown Forest SPA.

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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It is anticipated that both TWBC and Natural England will not agree with our view that the appropriate assessment within the HRA is defective with regard to Ashdown Forest SPA. Our presence at the hearing will enable us to explain more fully to the Inspector our reasons for concluding the assessment is defective and we will be able to challenge any defence of the incorrect parts of that appropriate assessment.

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_91a-d

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1685
Response Date	04/06/21 16:55
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

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

Paragraph Numbers: 3.1 - 3.16

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound 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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[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
- . STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
- . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
- . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and
- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

Accordingly, please find the following enclosed representations which will be sent via email and secure electronic file transfer:

- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

4.3 Dandara supports the overall vision of the Pre-Submission Local Plan and the specific aspirations for the expansion to Paddock Wood and Royal Tunbridge Wells, and also welcomes the focus on sustainable development and achieving high quality design.

4.4 The Council's strategic objectives are centred around delivering sustainable development, boosting housing supply (including affordable housing), endorsing garden village principles, high quality design, investment and delivery of infrastructure, active and sustainable travel, promoting economic growth, protecting and conserving the historic environment and natural landscapes, controlled release of Green Belt land, commitment to reducing carbon dioxide emissions and addressing climate change and working with local communities as part of the neighbourhood planning process.

4.5 The planned expansion of Paddock Wood is identified as being a key component of the Vision and Strategic Objectives.

4.6 Dandara supports these strategic objectives but suggests these objectives should be expanded, with further emphasis made on promoting healthy lifestyles, specific reference to tackling poor air quality and the regeneration of town centres in the interests of ensuring the Local Plan is positively prepared and consistent with national policy as set out by Paragraph 35 (a and d) of the NPPF.

4.7 Dandara also supports the Council's aspiration for high quality development at other settlements across the Borough which responds to the distinctive and particular character of their locations. The combination of strategic and smaller allocations form a critical component of the Council's housing strategy and are capable of being delivered in the short, medium and long-term within the Plan period.

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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4.6 Dandara supports these strategic objectives but suggests these objectives should be expanded, with further emphasis made on promoting healthy lifestyles, specific reference to tackling poor air

quality and the regeneration of town centres in the interests of ensuring the Local Plan is positively prepared and consistent with national policy as set out by Paragraph 35 (a and d) of the NPPF.

Question 7

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

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPF.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five

Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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

Supporting Information File Ref No: SI_91a-d

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Dandara Ltd
Address	KD Tower Cotterells Hemel Hempstead HP1 1FW
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1688
Response Date	04/06/21 16:55
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf
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Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

Question 3a

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Section 4: The Development Strategy and Strategic Policies

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

Question 4

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Is sound Yes

Complies with the Duty to Cooperate Yes

Question 4a

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[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
 - . STR/HA1 / AL/HA4 – Land off Cophall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
 - . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
 - . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and

- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

Accordingly, please find the following enclosed representations which will be sent via email and secure electronic file transfer:

- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

4.30 The Pre-Submission Local Plan confirms there are exceptional circumstances to alter the boundaries of the Green Belt to remove land from the designation for the proposed development at Tudeley Village, Paddock Wood (including land at east Capel), at a few sites around Royal Tunbridge Wells (particularly at North Farm/Kingstanding Way), and at Pembury.

4.31 The approach taken in Pages 58 – 60 of the Development Strategy (2021) is consistent with the well-established process that has been established through the Courts (notably *Calverton*) in the application of Exceptional Circumstances.

4.32 More recently, the case of Compton Parish Council is also relevant with Sir Duncan Ousley commenting (*inter alia*):

1. "Exceptional circumstances" is a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which requires "very special circumstances".
2. The phrase does not require at least more than one individual "exceptional circumstance". The "exceptional circumstances" can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances are sufficiently exceptional to warrant altering the Green Belt boundary.
3. General planning needs, such as ordinary housing, are not precluded from its scope; indeed, meeting such needs is often part of the judgment that "exceptional circumstances" exist; the phrase is not limited to some unusual form of housing, nor to a particular intensity of need.

4.33 Fundamentally, the borough is heavily constrained – aside from the 22% of the borough designated as Green Belt, 69% is AONB, with 5,321 ha of Green Belt land (out of 7,134 ha) also being within the AONB. This means that 74.5% of the Green Belt land is also within the AONB. Moreover, the majority of the Green Belt wraps around the main urban area of Royal Tunbridge Wells and Southborough, around Pembury and the area to the east of Tonbridge/west of Paddock Wood (located within Capel parish), the eastern boundary immediately adjoining the existing western developed boundary of Paddock Wood.

4.34 With the clear need in the NPPF (2019) to promote sustainable development, to do this without the release of land from the Green Belt would result in significant development being inappropriately located in lower tier settlements (such as Frittenden, Goudhurst) which either do not have the necessary infrastructure to support such growth and/or are located in sensitive landscape contexts.

4.35 The need to ensure that sustainable development is encouraged as part of the review and consideration of Green Belt release is firmly established in Paragraph 138 of the NPPF which states: "When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside

the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary”.

4.36 Through the Development Strategy Topic Paper (Feb 2021) TWBC has clearly articulated what the consequences for sustainable development would be if it was to not include Green Belt release as part of its proposed released.

4.37 At the Plan Wide level, the case for Exceptional Circumstances is fully justified. In the next section we have provided comment on what the relevant Local Exceptional Circumstances are to support the proposed release of allocated sites to which Dandara has an interest in.

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.

N/A – no amendments proposed.

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:

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPE.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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_91a-d

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
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Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1703
Response Date	04/06/21 16:55
Consultation Point	Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP 1685-1711(not inclusive) CBRE(Dandara) Letter SI .pdf PSLP 1685-1711(not inclusive) CBRE(Dandara) Representation SI .pdf PSLP 1685-1711(not inclusive) CBRE(Dandara) S'borough Concept SI.pdf PSLP 1685-1711 (not inclusive) CBRE(Dandara) LandscapeConcept SI.pdf
Data inputter to enter their initials here	AT
Question 1	

Respondent's Name and/or Organisation Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

Question 3

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

Question 3a

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

Policy AL/RTW 5 Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road

Paragraph Numbers: 5.47 - 5.51

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

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

Question 5

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[TWBC: End of covering letter/email]

5.156 Pre-Submission Local Plan Policy STR/RTW1: 'The Strategy for Royal Tunbridge Wells' sets out the development strategy for Royal Tunbridge Wells including the provision of between 1,416-1,536 new dwellings, including affordable housing on 18 sites including the Southborough site (site allocation Policy AL/RTW5). Dandara support Policy STR/SO1 and consider growth at Southborough to form a logical and sustainable small urban extension to Tunbridge Wells, consistent with the assessed spatial strategy

5.157 The site is allocated in the Pre-Submission Local Plan by Policy AL/RTW 5: 'Land to the south of Speldhurst Road and west of Reynolds Lane at Caenwood Farm, Speldhurst Road' as part of a wider site allocation comprising adjacent land to the west and south at Caenwood Farm for a total 100 new dwellings, including 40% affordable housing and 5% serviced self-build and custom housebuilding plots (see Figure 13 below). Dandara support site allocation Policy AL/RTW5 but a set out a series of detailed comments below.

Green Belt Release5.158 The site was included in the Council's Green Belt Study Stage Three (November 2020) as part of the wider site allocation AL/RTWXX: 'Land to the north of Caenwood Farm, Speldhurst Road'. This assessment concluded that wider parcel AL/RTWXX makes a "Relatively Strong" contribution to preventing neighbouring towns merging, and a "Moderate" contribution to checking the sprawl of the large built up area and the prevention of encroachment on the countryside as shown in Figure 14 below. The impact of its release on the adjacent Green Belt is deemed "Negligible" and overall, the harm resulting from the release of AL/RTWXX is "Low-Moderate".

5.159 The redrawing of the Green Belt boundary in this location will follow strong, defensible boundaries that are permanent and can endure beyond the plan period.

5.160 The Council's Green Belt Study Stage Three concludes that while release of land within AL/RTW 5 will breach the Green Belt boundary formed by Speldhurst Road, it will be replaced by an equally strong boundary formed by existing woodland blocks to the south and by proposed supplementary mitigation planting.

5.161 Dandara support the above findings from the Council's Green Belt Study Stage Three and fundamentally agree with the nature and extent of harm to this Green Belt as identified by TWBC. The redrawing of the Green Belt boundary in this location will follow strong, defensible boundaries that are permanent and can endure beyond the plan period in accordance with Paragraphs 136-139 and 141 of the NPPF. 5.162 Dandara agree with the findings and conclusions of the SHELAA in respect to Site ref. 100 and the Council's Green Belt Study Stage Three and consider the Council's Local Exceptional Circumstances case for the release of this to be robust and sound.

Landscape Sensitivity 5.163 The site was not included in the Council's LVIA (November 2020) as it does not fall within or immediately close to the High Weald AONB.

5.164 The Tunbridge Wells Landscape Assessment (2017) classifies the site as lying within the Speldhurst Wooded Farmland Landscape Character Area (LCA). This area is characterised by: "A topographically distinct landscape of high ridges intersected by a complex network of valleys and steep sided ghylls extending west from Royal Tunbridge wells. The landscape is distinguished by weathered outcrops of sandstone, lush deep ravine woodlands, sunken lanes running between high banks of sandstone, beech and holly hedgerows, Commons which permeate into the centre of RTW and an important swathe of remnant unimproved pasture".

5.165 As set out in Define's commentary in the Southborough Vision Document (June 2021), whilst the site is considered to share some of the above identified landscape characteristics, it is highly constrained by vegetation blocks, with limited intervisibility to the wider LCA. There is equally some separation from settlement immediately to the north due to a thick belt of trees along Speldhurst Road, but its proximity to this urban fringe, and significant exposure to the rear of properties along Reynolds Lane along the western boundary, does result in the majority of the site having a strong relationship with the existing settlement.

5.166 Define also note that due to the screening provided by existing built form and dense vegetation, there are few views into the site, other than glimpsed views from along the western boundary (Public Right of Way WB1 (see Figure 5 of the Southborough Vision Document)). However, views from this public footpath area already influenced by settlement through a small row of properties and their rear gardens to the west.

5.167 Due to the complex intervening landform and vegetation pattern no views further afield are considered likely, but it is acknowledged this will need to be tested through appropriate LVIA to accompany any future detailed planning application(s).

Emerging Concept Masterplan – Dandara 5.168 The enclosed Southborough Vision Document (June 2021) prepared by Define on behalf of Dandara provides an overview of how Land to the south of Speldhurst Road at Caenwood Farm, site allocation policy AL/RTW could be developed in a way that responds positively to its context, and the opportunities and constraints of the site, in order to deliver residential development alongside substantial green and blue infrastructure. The Vision Document includes a conceptual (indicative) masterplan for Dandara's land interest including the wider AL/RTW5 site allocation as shown in Figure 15 below as part of delivering comprehensive development and the entire site allocation.

5.169 The conceptual masterplan identifies a potential small residential urban extension to Southborough that blends into this sensitive landscape/settlement edge and which adds positively to the recreation and amenity value of the local settlement through the provision of significant and accessible green/blue infrastructure that flows through the site, providing connections to focal points of natural open space on the southern and western boundaries.

5.170 This approach will facilitate the positive enhancement of the beneficial use of the wider Green Belt with retained woodland, a key landscape feature, improved public access and potential opportunities for new habitat creation as well as new outdoor sport and recreation in accordance with Paragraph 141 of the NPPF.

5.171 The conceptual masterplan identifies a total development area of circa 2.80 Ha which comprises circa 1.05Ha within Dandara's land ownership to the north-east of the wider Caenwood Farm site.

5.172 The indicative and high-level development layout is informed by the site's constraints set out above and in particular its landscape context, in which the conceptual masterplan seeks to retain all existing vegetation (with the exception of access points only), and keep development away from the southern and western edges.

5.173 In accordance with the Council's Stage Three Green Belt Study (November 2020) the conceptual masterplan seeks to retain woodland to the south and reinforce this with additional tree planting to create a robust new Green Belt boundary.

5.174 In terms of initial design and layout considerations for the entire site allocation, the conceptual masterplan demonstrates it is possible and appropriate to achieve higher density residential development of circa 3-5 storeys along the main access street from Speldhurst Road with a more formal character framing the street and long-views to St Johns Church of England; more medium density development in the central spine of the site with residential dwellings of circa 2-2.5 storeys; and remainder of the site, particularly closer to the green buffer and woodland to the south (more sensitive landscape areas) residential dwellings of circa 2 storeys, with further scope for higher density, circa 1.5-2 storey mixed dwellings in the heart of two larger residential parcels in the northern-eastern area of the site.

5.175 Dandara agree with the findings and conclusions of the SHELAA in respect to Site ref. 100 and the Council's Green Belt Study Stage Three and consider the Council's Local Exceptional Circumstances case for the release of this to be robust and sound. Suitability of Residential Use / Quantum

5.176 The entirety of the site was included as part of the Council's SHELAA (January 2021) referred to as Land to the south of Speldhurst Road, adjacent to Whitegate Close, Tunbridge Wells (SHELAA site ref. 100). A Site Location Plan extract is included in Figure 16 below. The adjacent land at Caenwood Farm is also included in the SHELAA (Site ref. 30) and is also a proposed housing allocation (Policy AL/RTW5) in the Pre-Submission Local Plan.

5.177 The SHELAA assessment confirms that the existing site is a greenfield site in agricultural use with a series of TPO trees along Speldhurst Road. The site was deemed suitable for residential development on the basis it is adjacent to the LBD of Royal Tunbridge Wells and is well situated in respect to existing services at Royal Tunbridge Wells and Southborough. Moreover, the release of the site from the Green Belt would result in "Low to Moderate" harm.

5.178 The SHELAA concludes that Site ref. 100 is a suitable site falling adjacent to the existing LBD of Royal Tunbridge Wells. It is considered that it is a sustainable site as confirmed through the SA. The SHELAA did however confirm it is unsuitable to release adjacent Site ref. 30 from the Green Belt due to the harm it would cause.

5.179 Site allocation Policy AL/RTW 5 seeks the provision of a total 100 homes on the site, including 40% affordable housing. Dandara support site allocation Policy AL/RTW5 and the allocation of the site for housing. However, Dandara suggest the quantum of housing should be uplifted to 110 no. homes.

5.180 Technical evidence and initial feasibility work undertaken by Dandara confirms that Dandara's land parcel which is allocated for residential use is suitable for residential development and has sufficient capacity and is able to deliver circa 30-40 new dwellings at a density of circa 30-40 dpa which is considered appropriate for the site, factoring in its location, wider context and site constraints and ensuring appropriate provision for encompassing suitable and accessible "green" and "blue" infrastructure as part of a comprehensive and sensitive design approach that respects the site's sensitive landscape/settlement edge location. Accordingly, this will ensure that the allocation secures the efficient and effective use of the Land to the south of Speldhurst Road, adjacent to Whitegate Close in line with Paragraph 122 of the NPPF.

Self Build and Custom Housing

5.181 Site allocation Policy AL/RTW5 seeks to secure 5% of the development proposals for self/custom build provision. Dandara does not support this element of the Policy AL/RTW5.

5.182 Paragraph 6.381 of the Local Plan notes that since 1 April 2016, there has been an average of 1.96 registrations for a self/custom build property per month. Utilising this data, TWBC has therefore projected a need for 518 self/custom build dwellings over the Plan period (up to 2038). This is considered to be too simplistic a forecast and does not reflect actual demand.

5.183 Paragraph 6.381 goes on to (correctly) note that self/custom build predominantly comes forward via windfall schemes, mainly as single dwelling schemes. Accordingly, TWBC considers that 77% of provision (401 dwellings) will come forward via windfall, leaving 115 – 120 dwellings to be identified in the Plan.

5.184 Draft Policy H8 ('Self and Custom Build Housing') seeks to secure the residual self/custom build provision at 3 no. allocated sites – Caenwood Farm (AL/RTW5), Spratsbrook Farm (AL/RTW16), and

Tudeley Village (STR/SS3). However, the Draft Local Plan (including Sustainability Appraisal) does not set out the rationale as to why these sites were identified for self-building housing over other sites in the Local Plan and there is no supporting evidence to support a need for self build housing in these locations.

5.185 Ultimately, the selection of self/custom build sites will depend on consumer choice on where individual households seek to build their own home. As above, this predominantly occurs on single dwelling/windfall schemes and can also be locationally dependent including village and countryside settings. The sites identified above all have policy constraints that need to be addressed as part of any application and would make self/custom homes challenging to deliver on site factoring in the necessary highway / landscape mitigation amongst other social infrastructure requirements that would be required to accommodate new residential development.

5.186 Dandara therefore consider the threshold applied and the inclusion of self-build housing at the Southborough site is not appropriate when factoring in the site's location and specific constraints. The site allocation as proposed already includes a requirement for the provision of 'extensive green infrastructure' which would be in excess of that required to support the delivery of approximately 100 homes. Factoring in the above outlined site constraints and factoring the size of the site, it is not suitable for self-build housing as this could threaten the viability and deliverability of this site for housing.

5.187 Dandara suggest flexibility in the policy provision below to cater for the demand at the time the scheme is at the planning application stage. Dandara suggest it would be prudent to insert a policy caveat for an early review mechanism into Draft Policy AL/RTW5 to assess whether this local demand self/custom build housing in this locality and whether this need has already been met elsewhere in the Borough in-line with the proposed housing trajectory. Meeting the demand will largely be based on consumer choice at the time as well as the locational options for those on the Council's self/custom build register. Any such review should regard to other viability considerations for the scheme.

5.188 Dandara also recommend that the provisions/sites in Policy H8 are deleted in that self/custom build can come forward as based on the demand for suitable locations at build out.

5.189 Accordingly, in light of the above comments, Dandara suggest Policy AL/RTW16 is amended as follows: This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for circa 110 residential dwellings, of which 40 percent shall be affordable housing, and if required (subject to TWBC evidence base confirming need), a minimum of five percent to be available as serviced self-build and custom housebuilding plots.

Highways / Access 5.190 Site allocation Policy AL/RTW5 (part 1) rightly requires the new vehicular access to be provided from Speldhurst Road, with the exact location to be determined by detailed transport assessment work. There is a further requirement to consider appropriate widening of the section of Speldhurst Road that runs adjacent to the site and the provision of an appropriate level of parking on-site. Dandara support this requirement and the policy approach to requiring a detailed transport assessment.

5.191 Dandara also support the requirement under site allocation Policy AL/RTW5 for the creation of a new access subject to detailed transport assessment work.

5.192 Policy AL/RTW5 (part 3) further requires the possibility of alterations to Reynolds Lane with restricted access for non-residents as appropriate or necessary. This land falls outside Dandara's land ownership but they would welcome discussions on the access option with the Promoters of the wider allocation at Caenwood Farm.

5.193 PJA Highways have undertaken initial highway technical work on behalf of Dandara including technical review of the Site, its constraints and the key highway considerations, including the requirement for a new access from Speldhurst Road as part of a 100 unit residential scheme (including 30-40 dwellings on Dandara's land interest).

5.194 This technical assessment work confirms that the site is well located to local amenities, and has good access to public transport services and is considered to constitute a sustainable location.

5.195 An initial highway safety review using Personal Injury Collision (PIC) data confirms that overall, the number of PICs in the vicinity of the site is low, with no fatal collisions or collisions resulting in serious injury recorded. Therefore, there is no evidence to suggest that the proposed development would exacerbate any existing highway safety concerns.

5.196 The technical assessment work to date has sought to prepare a preliminary access strategy which recommends the creation of a new bell-mouth junction from Speldhurst Road within the site, located between Edward Street and Taylor Road. Initial vehicle tracking confirms this access would provide safe and efficient access and egress to the site and would be fully compliant with the requirements of the Kent Design Guide .

5.197 It is acknowledged that further transport assessment work including traffic volume counts and detailed highway modelling will be required at application stage. It is also accepted that early detailed discussions with KCC Highways will be required to agree the location and type of access from Speldhurst Road.

5.198 In respect to car parking, it is noted that an appropriate level of parking will need to be achieved on-site, factoring in the site's constraints and need for a safe and efficient site layout and internal access. Dandara further support the requirement of a Low Traffic Neighbourhood as required by Part 5 of Policy AL/RTW5.

5.199 At the appropriate stage, Dandara will engage in pre-application discussions with the Council and KCC Highways to agree the site access strategy and necessary highway mitigation measures to be delivered as part of the proposed residential development. Dandara also note that any such application will be informed by a detailed transport assessment.

5.200 Policy AL/RTW5 (part 4) which seeks enhanced footpath links to be provided from the existing route to the west of the site to connect to other footpaths and the surrounding area. Dandara support the policy approach but recognise the extension of footpaths will require the necessary permission and will require agreement with adjacent landowner.

Trees 5.201 Policy AL/RTW5 (part 9) requires future development to secure the long-term management of the pasture and woodland retained for landscape and ecological mitigation. Dandara support this policy requirement and despite the proposed retained woodland and pasture falling on the wider site allocation (not Dandara's land interest) it is recognised the retention of these green features is key to the design and landscape quality and overall placemaking of the future housing schemes on both development parcels.

5.202 Policy AL/RTW5 (part 10) requires regard for the existing hedgerows and mature trees on-site, with the layout and design of the development and to be informed by an arboricultural survey and landscape and visual impact assessment. Dandara broadly supports this requirement, however there is likely to be a need for an element of tree clearance to occur along Speldhurst Road to accommodate the access provision, with mitigation provided for loss of any trees elsewhere on the site. Accordingly, it is recommended that the text "Where feasible" is introduced at the beginning of the second sentence.

5.203 Lloyd Bore on behalf of Dandara have undertaken an Arboricultural Report (April 2021) which comprises a detailed tree survey. This confirms the absence of Category A Trees with the majority of trees either categorised as either 'C' or 'U'.

5.204 The emerging concept masterplan for Southborough has been informed by the access strategy and findings of the Arboricultural Report. The proposed access from Speldhurst Road is sought between Edward Street and Taylor Road and would result in some loss of primarily low (Grade C) trees. The higher quality, Grade B trees will be retained where possible and a tree-lined frontage and green buffer to Speldhurst Road will be retained to ensure the site remains well-screened to the existing residential properties on the north (opposite) side of Speldhurst Road in accordance with the Council's SHELAA.

5.205 As set out above, it is acknowledged that the proposed access strategy and precise location of the site access will be informed by highway modelling and technical conversations with KCC Highways and will also be informed by discussions with the Council's Tree Officer to agree necessary tree removal and any necessary mitigation / additional tree planting. It is apparent that the proposed site access is proposed further down Speldhurst Road, beyond Prospect Road, there is a likely requirement for further tree removal to create larger visibility splays.

5.206 The emerging concept masterplan for the site and wider allocation seeks to retain the existing woodland to the south, reinforce this boundary and green buffer with additional tree and hedgerow planting to help screen views out.

5.207 Therefore, given these trees of limited amenity value, a degree of tree loss is considered to be acceptable in principle subject to all other relevant policy considerations.

5.208 It is acknowledged that the soft landscape scheme as part of any future application should introduce new tree and boundary planting on-site as part of mitigating any tree loss, ensuring the development is appropriately screened from the existing residential properties along Speldhurst Road as well as enhancing biodiversity and in the interests of achieving a high quality development. It is also acknowledged that an arboricultural assessment will be required in support of any future application.

Open Space / Play Space / Green Infrastructure 5.209 Policy AL/RTW5 (part 8) requires extensive green infrastructure to be provided, shown in both the green areas shown indicatively on the site layout plan (see Figure 14 above) and through the non-green areas where relevant. Policy AL/RTW5 (part 6) seeks improved access to existing and new open green space areas.

5.210 Whilst Dandara support the policy approach to securing new open space and improving public access to it, it is however noted, as set out above, that the provision of 'extensive green infrastructure' would be in excess of that required to support the delivery of approximately 100 homes. Despite this, Dandara support the unique nature of the site, the relationship to the existing adjacent ancient woodland and the value of green infrastructure for this site.

5.211 Dandara support Part 9 of Policy AL/RTW5 which seeks to secure the long-term management of the pasture and woodland retained for landscape and ecological mitigation to be secured by the development. Dandara would expect a Site-wide Landscape Management Plan to be prepared under a condition on any future planning permission and this could be linked to any legal agreement requiring the landowners / management companies to ensure the long term management of the site.

5.212 In a similar vein, Dandara support Part 11 of Policy AL/RTW5 which requires a suitable legal mechanism to secure the provision of open space as part of the entire site allocation.

5.213 Dandara further support Part 12 of Policy AL/RTW5 which requires the provision of on-site amenity/natural green space and children's and youth play space. Dandara are committed to delivering a high quality residential scheme including the provision of appropriate play space and natural greenspace in the interests of good placemaking in accordance with the PPG.

Housing Delivery 5.214 The Council's Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) confirms that site allocation AL/RTW5 is included in the Council's trajectory for the long term delivery of 100 new homes in two tranches: 70 homes in 2031/32 and 30 homes in 2032/33.

5.215 Dandara support the planned growth for the site, however we consider that quantum of development at the site should be uplifted 110 no. homes for the reasons set out above and to account for the delivery of 30-40 dwellings on Dandara's land interest and the remaining 70 dwellings on the wider site allocation (not Dandara's land interest). The proposed annual delivery rates (average 50dpa) are broadly supported, and in this context, Dandara is able to achieve 30-40 dpa in a single phase.

5.216 Dandara has undertaken an array of technical/background work for the site including that appended to these representations. Matters to have been addressed include landscape, heritage, ecology, highways, access, drainage and infrastructure. Furthermore, TWBC's Infrastructure Delivery Plan (March 2021) does not identify wider infrastructure schemes as a prerequisite to development at the site.

5.217 The above information confirmed that there are no site constraints to development and accordingly the development could commence from 2023/24.

5.218 The Site is therefore available now, is suitable for residential development and deliverable now in the short term i.e. first 5 years of the new Plan Period (2020/21 – 2024/25). The Council's trajectory should be amended accordingly.

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.

Quantum:Dandara suggest the quantum of housing should be uplifted to 110 no. homes.

5% self/custom build provision:Dandara suggest Policy AL/RTW16 is amended as follows:This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for circa 110 residential dwellings, of which 40 percent shall be affordable housing, and if required (subject to TWBC evidence base confirming need), a minimum of five percent to be available as serviced self-build and custom housebuilding plots.

Policy AL/RTW5 (part 10)5.202 Policy AL/RTW5 (part 10) requires regard for the existing hedgerows and mature trees on-site, with the layout and design of the development and to be informed by an arboricultural survey and landscape and visual impact assessment. Dandara broadly supports this requirement, however there is likely to be a need for an element of tree clearance to occur along Speldhurst Road to accommodate the access provision, with mitigation provided for loss of any trees elsewhere on the site. Accordingly, it is recommended that the text "Where feasible" is introduced at the beginning of the second sentence.

Housing Trajectory5.215 Dandara support the planned growth for the site, however we consider that quantum of development at the site should be uplifted 110 no. homes for the reasons set out above and to account for the delivery of 30-40 dwellings on Dandara's land interest and the remaining 70 dwellings on the wider site allocation (not Dandara's land interest). The proposed annual delivery rates (average 50dpa) are broadly supported, and in this context, Dandara is able to achieve 30-40 dpa in a single phase.

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:

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPF.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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_115

Comment

Agent	Mr David Maher ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Barton Willmore LLP
Address	- Ebbsfleet -
Consultee	([REDACTED])
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Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd (- [REDACTED])
Comment ID	PSLP_1873
Response Date	04/06/21 11:10
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
Files	PSLP_1873 Barton Willmore for Dandara SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Dandara
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore
Question 3	

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

Policy

Question 3a

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

Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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

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

1.0 INTRODUCTION

1.1 These representations are submitted on behalf of Dandara Ltd in response to the Tunbridge Wells Borough Local Plan - Regulation 19 Consultation. The Consultation (26 March – 04 June 2021) comprises a “Pre-Submission” consultation document as part of the Local Plan process. It follows the earlier Reg 18 “Issues and Options” (May – June 2017) and Reg 18 “Draft Local Plan” (Sept – Nov 2019) stages of the Local Plan to which Dandara has made previously made representations to.

1.2 Dandara is a privately owned property developer with experience in delivering high quality and bespoke residential led and mixed-use schemes across the UK. Dandara has interests at land along the southern edge of Tunbridge Wells, namely known as “Spratsbrook Farm” (the “site”). The site forms land as allocated within the emerging Local Plan (ref. AL/RTW 16) for development of approximately 120no. new homes. Whilst Dandara supports the allocation of the site, it considers that the proposed quantum of development should be uplifted to 170no. new dwellings. Accordingly, this will ensure that the allocation secures the efficient and effective use of the land at Spratsbrook Farm in line with the National Planning Policy Framework (para 122).

1.3 We set out within these representations our reasoning for the proposed uplift in unit numbers. This approach is supported through landscape and masterplanning evidence being provided by Dandara and which is also addressed in these representations.

1.4 This report should be read in-conjunction with other representations being prepared by CBRE (on behalf of Dandara) concerning other site interests. The CBRE representations will address other allocations and policies of the Local Plan including more detailed development management policies.

1.5 Notwithstanding our client's interests, these representations have been prepared in objective terms and assesses the Local Plan against the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

1.6 These representations address the main aspects of the Local Plan/site allocation and in summary confirm the following:

1) Local Plan Strategy – Meeting Housing Need:

- The Local Plan seeks to meet the Government's Objectively Assessed Standard Method for new homes (678dpa) over an 18-year Plan period (2020 – 2038);- This entails a need for 12,204 units over 18 years;- The Local Plan seeks to provide 13,069 – 13,444 dwellings during the Plan period;- Taking the mid-point of the above, this provides a buffer of 8.6%;- We consider that a buffer closer to 20% would address previous shortfalls, affordability issues in the Borough, as well as the potential for unmet needs arising from neighbouring authorities, including from Sevenoaks and Wealden;- We consider that the range of dwellings proposed provides uncertainty as to the extent of housing need being met;- Our client's proposals at Spratsbrook Farm, including our proposed uplift to the allocation quantum, provides certainty to units being delivered from the site. An uplift in the allocation would assist in meeting the wider housing needs of the area.

2) Land at Spratsbrook Farm, Tunbridge Wells:

- The site forms a proposed allocation in the Local Plan for development of approximately 120no. new homes;- As above, we consider that the site should be allocated for a greater quantum of development (i.e. 170no. homes) than currently proposed by the Local Plan– this will ensure an efficient and effective use of the land;- The site is identified for anticipated delivery in the long-term (2035/36 – 2036/37);- We do not support the trajectory on this basis and consider that the site can be delivered by Dandara in the shorter-term (i.e. from 2023/24 – 2025/26).- Development of the Site will secure appropriate "green", "grey" and "blue" infrastructure, as including open space and landscape provision, as well as access and on-site drainage infrastructure.

1.7 In summary, we support the Local Plan in broad terms. However, these representations conclude that the Local Plan could be considered "Sound" in accordance with the NPPF, subject to changes identified in these representations.

1.8 They further support the identification of the site for development and enclose further technical work to support its allocation.

2.0 LOCAL PLAN STRATEGY – MEETING HOUSING NEEDS

2.1 This section sets out our representations on the Local Plan spatial strategy with regard to meeting housing need. ***This has particular reference to Policy STR1 (The Development Strategy)*** and its supporting paragraphs.

a) Housing Need

2.2 In line with the Government's Standard Method for housing need, the Local Plan needs to plan for the delivery of 12,204 new homes during the Plan period 2020 – 2038. This amounts to 678 dwellings per annum.

2.3 The emerging Local Plan is seeking to provide for a "lower" and "upper" range in the quantum of development, as extending from 13,059 – 13,444 dwellings. This is made up of existing committed sites and proposed allocations as follows:

Table 1: Local Plan housing strategy

Housing Strategy

Lower Provision

Upper Provision

Existing commitments/allocations

4,983

4,983

Proposed allocations

8,076
8,461
Total
13,059
13,444
Requirement
12,204
12,204
Buffer
855 (7%)
1,240 (10%)

2.4 We support the ability of the Plan to seek to meet its own needs in full. However, the use of “lower” and “upper” ranges, as above, provides uncertainty in terms of the quantum of development to be achieved by the Local Plan. In this context, we note that the Local Plan seeks to achieve a 7 – 10% buffer and this range entails a difference 385 dwellings.

2.5 We consider that the Plan should be seeking to achieve a greater buffer of up to 20%. There are a number of factors underpinning this objective as set out under items b) – d) as follows.

b) Delivering a sufficient supply of homes

2.6 Tunbridge Wells Borough Council has not been able to demonstrate a 5-year supply of housing land for a number of years (c. 5 years+). TWBC’s stated supply currently stands at 4.83 years.

2.7 Equally, the Housing Delivery Test Measurement (2020) amounts to 85% delivery in Tunbridge Wells in the previous three measurement years as follows:

Table 2: Housing Delivery Test Measurement 2020 (as at Feb 2021)

2017-18
2018-19
2019-20
Total
No. of homes required
494
688
624
1,807
No. of homes delivered
519
553
474
1,540
Shortfall/Surplus

85%

Action required

Action Plan

2.8 It is evident from the above that there has been recent and continued under delivery of homes in TWBC. The NPPF (footnote 39) is clear in-so-far as a 20% buffer should be applied whereby the HDT falls below 85%. The objective of this is to redress previous shortages in supply and in this light, we consider that up to/in the region of a 20% buffer should be applied for the Local Plan. This will ensure that flexibility in supply is provided as well as securing choice and competition in the market for new homes.

c) Addressing Affordability

2.9 The ability to afford a home is a problematic issue in TWBC. This is the result of many socioeconomic factors; one of which relates to housing demand and the shortfall in supply. Delivery over the past 10 years (2010/11 – 2019/20) has averaged 330dpa in TWBC. This is **half** the housing need determined by the Council's Objective Assessment of Housing Need (OAN) determined under the policies of the 2012 NPPF (648dpa). The 2019 NPPF introduced the 'Standard Method' for calculating **minimum** local housing need, replacing the OAN. The **minimum** need calculated by this method is higher than the OAN at 678dpa for Tunbridge Wells. However, it is important to note how this figure is 'capped' due to the acute affordability problems in the Borough. If the Standard Method were uncapped, it shows need of 764dpa in Tunbridge Wells. As the PPG (ID2a-007) states, "*The cap is applied to help ensure that the minimum local housing need figure calculated using the standard method is as deliverable as possible*" however it also states that "*The cap reduces the minimum number generated by the standard method, **but does not reduce housing need itself***" (our emphasis). The minimum that should be targeted by the Council is delivery of 678dpa, as **actual** housing need in Tunbridge Wells is higher at 764dpa.

2.10 To put the affordability issues in context, the median affordability ratio is used for the purposes of calculating the Standard Method minimum. The ratio in Tunbridge Wells is currently 13.27. This means a household earning a median salary would require 13.27 times that salary to afford a median priced home in the Borough. A median priced home costs £390,000 as of 2020. The median ratio compares to an average of only 7.84 nationally, 9.92 in the south-east, and 10.06 across Kent. This means the ratio in Tunbridge Wells is 69% higher than the national average, 34% higher than the regional average, and 32% higher than the Kent average. The ratio also increased most from the previous 2019 ratio in Kent, and is the 12th highest in the country outside of London.

2.11 It is clear that additional housing is required in the Borough to address the acute affordability problems inherent there, which have only been exacerbated by the lack of delivery over the past decade. This is needed to address both supply and demand, thereby driving down price. A 20% buffer is therefore considered appropriate having regard to the above market signals and the need to address affordability concerns. Such a buffer has been accepted at Examinations for other nearby local authority areas (with similar/lower affordability ratios) including Canterbury (2017), Mid Sussex (2017/18) and Guildford (2018). It is thereby recommended that the planned supply of homes is increased in the Plan in order to secure a 20% buffer.

d) Responding to potential unmet needs from neighbouring authorities

Sevenoaks Unmet Need

2.12 TWBC shares a number of functional relationships with adjacent local authority areas. This includes migratory patterns for school, work, etc. with other authorities including Sevenoaks, Tonbridge and Malling, Maidstone, Ashford, Rother and Wealden. These authority areas are shown on Figure 2 of the Local Plan.

2.13 Tunbridge Wells shares the “West Kent Housing Market Area” with Sevenoaks and Tonbridge and Malling. Para 4.12 of the Local Plan refers to potential/“unknown” unmet needs (c. 1,900 dwellings) arising from Sevenoaks. TWBC’s Duty-to-Cooperate Statement (March 2021) goes on to refer to a formal request from Sevenoaks (April 2019) in terms of assisting with unmet need. The issue of Sevenoaks unmet needs was also the subject of lengthy discussions at the recent (Oct 2020) Examination of the Tonbridge and Malling Local Plan.

2.14 The DtC Statement recognises the current uncertainty regarding the progress of the emerging SDC and TMBC Local Plans. It is therefore considered that the Tunbridge Wells Local Plan should provide the appropriate flexibility in seeking to positively grapple with the unmet needs arising from Sevenoaks.

2.15 This can be achieved through an uplifted buffer to 20% and it is considered that the uplift in need can be addressed in Tunbridge Wells. In this context, we note that Tunbridge Wells has direct functional relationships to Sevenoaks, including the shared mainline train services to London. It is therefore a good location for unmet needs arising from Sevenoaks to be met.

Potential for unmet needs from Wealden

2.16 Wealden District is situated to the south of Tunbridge Wells. The latest Wealden Core Strategy (2013) is predicated on the need to deliver 9,440 homes (2006 – 2027). This averages at 450dpa.

2.17 WDC has embarked upon work on its new Local Plan. The WDC Reg 18 Draft Local Plan is due for consultation early in 2022.

2.18 The Government’s current Standard Method amounts to 1,225dpa for Wealden. This would equate to 24,500 new dwellings over a 20-year Plan period, as being proposed by WDC. This represents a significant uplift on the current Core Strategy requirement.

2.19 The signed Statement of Common Ground (WDC and TWBC - 08 Feb 2021) recognises that WDC’s housing figure as above, represents an “unconstrained”/“policy-off” figure. This does not have regard to constraints in WDC including the South Downs National Park to the south as well as the implications of the Pevensey Levels RAMSAR site.

2.20 Given the above, it is not anticipated that WDC is going to be able to meet its needs in full. It is therefore recommended that flexibility is built in to the TWBC Local Plan to accommodate potential for unmet needs arising from WDC. This can be achieved by increasing the housing provision in TWBC through the application of a 20% buffer.

e) Summary

2.21 The Local Plan currently seeks to provide a buffer of 7 – 10% above the identified need for new homes. A buffer in the Plan is welcomed, however, the current proposals provide uncertainty as to what can be achieved. This is important given the context set out above (items b – d) and it is considered that the Plan should be seeking to secure a definitive buffer of up to 20%. This can be achieved by two means:

i. Identifying and allocating further sites in the Local Plan – this can have regard to sites previously identified in the Reg 18 Draft Local Plan consultation; and ii. Where feasible, increasing the development quantum on allocated sites.

2.22 In the next section, we address our client’s site at Spratsbrook Farm in the context of item ii above and the ability of the site to deliver an increased quantum of development above that as allocated in the Local Plan.

3.0 RESPONSE TO POLICY AL/RTW16 - LAND AT SPRATSBROOK FARM

3.1 In this section, we address the main issues for the site, having regard to the Local Plan allocation for the site (ref. AL/RTW16) and the evidence base underpinning it. In the first instance we provide a site overview.

a) Site Overview

3.2 The site forms undeveloped greenfield land situated on the southern edge of Tunbridge Wells. The site has the following characteristics:

- It broadly comprises two land parcels in the eastern and western element of the site;
- The western element of the site forms part of the High Weald AONB;
- The entire site forms Green Belt with the eastern element proposed for Green Belt release in the Local Plan;
- Part of the western element forms land and abuts land in connection with a Scheduled Ancient Monument – Iron Age Hill Fort associated with the High Rocks;
- Listed building of Ramslye Farmhouse is set in a wooded setting to the south of the Site;
- The western element of the site contains woodland boundaries including Ancient Woodland;
- Access is deliverable from the A26 – this provides the main access route to the nearby Town Centre;
- A Public Right of Way runs parallel to the southern boundary providing access from the A26 to the wider countryside;
- The site is in close proximity to the Town Centre and thereby forms a suitable urban extension;
- Land abutting the southern boundary forms land also in Dandara's control and is located within the administrative area of Wealden. Dandara is promoting this area (to the WDC Local Plan), to form a wider urban extension.

b) Policy AL/RTW16 – Land at Spratsbrook Farm

3.3 The Site is allocated for development under Policy AL/RW16 for the following scope of development:

The site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 120 dwellings, of which 40% shall be affordable housing, and a minimum of five percent to be delivered as serviced self-build and custom housebuilding plots, together with enhanced informal open space and recreation areas as part of a landscape buffer.

3.4 The Local Plan (refer to Map 16 – Site Layout Plan) proposes that built development occurs in the eastern element of the site only with the western parcel being secured as “Open Space and Landscape Buffer”. Dandara supports this aspect of the Local Plan and we will comment on the proposals for the western area of the site further below.

Quantum of development

3.5 Dandara has undertaken architectural and feasibility work for the identified eastern development parcel for the site. This work is enclosed at **Appendix 1** and identifies that the site is able to achieve and deliver approximately **170 dwellings**. This is deliverable whilst securing appropriate densities at the site as well as encompassing suitable “green” and “blue” infrastructure and a sensitive design response in an AONB setting. This would include open space linkages through the site connecting to the western open space parcel. Children's play space could also be secured as well as SuDs provision, with access being provided from the A26.

3.6 In line with the NPPF, the proposed uplift in the development will make efficient use of the site. Furthermore, it can contribute towards achieving a secure buffer in the Local Plan and as set out in the earlier section, we consider that an uplifted buffer (to up to 20%) should be pursued in the Local Plan.

Self/Custom Build

3.7 Policy AL/RTW16 seeks to secure 5% of the development proposals for self/custom build provision. Dandara does not support this element of the policy.

3.8 Para 6.381 of the Local Plan notes that since 01 April 2016, there has been an average of 1.96 registrations for a self/custom build property per month. Utilising this data, TWBC has therefore projected a need for 518 self/custom build dwellings over the Plan period (up to 2038). This is considered to be too simplistic a forecast and does not reflect actual demand.

3.9 Para 6.381 goes on to (correctly) note that self/custom build predominantly comes forward via windfall schemes, mainly as single dwelling schemes. Accordingly, TWBC considers that 77% of provision (401 dwellings) will come forward via windfall, leaving 115 – 120 dwellings to be identified in the Plan.

3.10 **Policy H8 (Self and Custom Build Housing)** goes on to seek to secure the residual self/custom build provision at 3 no. allocated sites – Caenwood Farm (AL/RTW5), Spratsbrook Farm (AL/RTW16), and Tudeley Village (STR/SS3). The Local Plan (including Sustainability Appraisal) however, does not set out the rationale as to why these sites were chosen over other sites in the Local Plan.

3.11 Ultimately, the selection of self/custom build sites will depend on consumer choice on where individual households seek to build their own home. As above, this predominantly occurs on single dwelling/windfall schemes and can also be locationally dependent including village and countryside settings.

3.12 For when build out occurs on the Dandara/Spratsbrook scheme (TWBC anticipates this to occur from 2035/36), the need for self/custom build may have been met through windfall. Meeting the demand will largely be based on consumer choice at the time as well as the locational options for those on the Council's self/custom build register.

3.13 Furthermore, the ability of the site to deliver self/custom build plots will depend on viability considerations as balanced against the need to meet full affordable housing requirements. We therefore suggest flexibility in the policy provision below to cater for the demand at the time the scheme is at the planning application stage. This should also have regard to other viability considerations for the scheme. We also recommend that the provisions/sites in policy H8 are deleted in that self/custom build can come forward as based on the demand for suitable locations at build out.

3.14 In the light of the preceding paragraphs, we recommend that policy AL/RTW16 is amended as follows:

The site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for residential development providing approximately 120 170 dwellings, of which 40% shall be affordable housing, and if required (subject to need), feasible and viable a minimum of five percent to be delivered as serviced self-build and custom housebuilding plots, together with enhanced informal open space and recreation areas as part of a landscape buffer.

3.15 Following the above, policy AL/RTW16 includes 12 no. development requirements. We comment on these below with recommended modifications in some instances.

Table 3: Dandara response to Policy AL/ RTW16 requirements

[TWBC: Table removed for formatting purposes - contents only below - full table in supporting information]

Policy AL/RTW16 Requirements / Dandara comments

No. 1 - Vehicular access to be provided into the site from the A26 Eridge Road. **Comments on No. 1** – Dandara supports this requirement.

No. 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. **Comments on No. 2** – Dandara supports this requirement.

No. 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. **Comments on No. 3** – Dandara broadly supports this requirement, however the delivery of cycle and pedestrian links into the town centre and to the train station would occur on land Dandara does not control. It is therefore recommended that “**where feasible and viable**” is inserted to the end of the requirement.

No. 4 - Improved public transport links are required to serve the development. **Comments on No. 4** – Dandara supports this requirement.

No. 5 - Development shall be located on the areas identified for residential use on the site layout plan. The open space shown in green on the site layout plan is to be managed under an approved scheme of agriculture with public access. **Comments on No. 5** – Dandara broadly supports this requirement, however, it is unknown as to what the requirements are for the open space area (western element of the site) to be “**managed under an approved scheme of agriculture with public access**”. The subject land is not proposed to be retained for agriculture use. Instead, it is proposed for “**open/ in formal space provision**” and it is recommended that the policy is modified accordingly.

No. 6 - 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. **Comments on No. 6** – Dandara broadly supports this requirement, however there is likely to be a need for an element of tree clearance to occur along Eridge Road to

accommodate the access provision, with mitigation provided for loss of any trees elsewhere on the site. This is recognised within TWBC's landscape evidence base and accordingly, it is recommended that the text "**Where feasible**" is introduced at the beginning of thesecond sentence.

No. 7 - *The layout, form, design and mass of built development on-site to have regard to the topography, ancient woodland and buffers, and impact on the setting of the High Weald AONB. It shall include a landscape buffer along the south-western boundary, including to protect the amenity of the adjacent farmhouse.***Comments on No. 7** – Dandara supports this requirement.

No. 8 - *Detailed historic landscape and archaeological assessment to be provided as part of any proposals coming forward to assess the impact on heritage assets, including on the High Rocks Hill Fort, a Scheduled Ancient Monument.***Comments on No. 8** – Dandara supports this requirement.

No. 9 - *Provision of on-site amenity/natural green space and recreation ground, as well as children's and youth place space.***Comments on No. 9** – Dandara supports the provision of on-site amenity/natural green space as well as children's and youth play space. In this context strategic/semi-natural open space will be secured in the western parcel of the site and this will contribute to biodiversity net gains in the natural environment.

Dandara does not however support the provision of a "**recreation ground**" at the site. This is not considered necessary given the scale of the allocation proposals and equally the size/form of the site does not allow for playing pitches, etc. Accordingly, the provision for a "recreation ground" is not justified in line with the NPPF and it is recommended that this provision is deleted from the policy.

These facilities could be delivered as part of a wider scheme for the site as encompassing land within WDC to the south. Such a scheme would deliver the land requirements for a recreation ground and provide the critical mass for such a facility.

No. 10 - *Any development coming forward will need to consider any impacts on the adjacent land within the Wealden District Council area, and in terms of infrastructure provision with East Sussex County Council as well as Kent County Council.***Comments on No. 10** – Dandara supports this requirement.

No. 11 - *A suitable legal mechanism shall be put in place to ensure that the provision of public open space is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage.***Comments on No. 11** – Dandara supports this requirement.

No. 12 - *Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/RTW1.***Comments on No. 12** – Dandara supports this requirement.

3.16 Should the above matters be addressed this would enable the policy to be "justified" and "sound" in line with the NPPF.

4.0 RESPONSE TO LOCAL PLAN - EVIDENCE BASE

4.1 In this section, we address the salient issues for the site, having regard to the evidence base underpinning it. This is detailed on a topic-based approach as below:

a) Housing Trajectory

4.2 The Local Plan is supplemented by the Housing Trajectory contained within the Housing Supply and Trajectory Topic Paper (Feb 2021). The trajectory for allocated sites is provided at Table 9 (page 29) of the document.

4.3 For the Spratsbrook Farm site, the Trajectory proposes that 60 dwellings will be delivered per annum from 2035/36 – 2036/37.

4.4 We support the planned growth for the site, however as per earlier sections we consider that quantum of development at the site should be uplifted 170no. homes. The proposed annual delivery rates (60dpa) are broadly supported, and in this context, Dandara is able to achieve 75dpa as set out in previous representations.

4.5 Notwithstanding the above, it is however unclear to us as to why such a significant delay to the delivery timeframe is being proposed – as commencing from 2035/36.

4.6 Dandara has undertaken an array of technical/background work for the site including that appended to these representations. Matters which have been addressed include landscape, heritage, ecology, highways, access, drainage and infrastructure.

4.7 The above information confirmed that there are no site constraints to development and accordingly the development could commence from 2023/24. Furthermore, TWBC's Infrastructure Delivery Plan (March 2021) does not identify wider infrastructure schemes as a prerequisite to development at the site. Early delivery of the site will help to redress the Housing Delivery Test and 5-year Housing Land Supply and this is considered important given the potential for delays at other site allocations (due to infrastructure/landownership and other site issues).

4.8 In the light of the above, we would thereby propose the following amended "justified" and "sound" trajectory for the site.

Table 4: Revised Trajectory for Spratsbrook Farm

Year

2020/21

2021/22

2022/23

2023/24

2024/25

2025/26

2026/27

Total

Units

0

0

0

75

75

20

0

170

b) Green Belt

4.9 The Metropolitan Green Belt extends to c. 22% of the TWBC area. The extent of Green Belt is shown at Figure 6 of the Development Constraints Study (2016) and from this it is evident that Green Belt broadly surrounds the urban area of Tunbridge Wells.

4.10 The exceptional circumstances for allocating development in the Green Belt falls to be considered with reference to the Calverton Judgment (*Calverton Parish Council v. Nottingham City Council*, CO/4846/20014) (https://www.london.gov.uk/sites/default/files/ad_22_calverton_judgement.pdf) and the factors to be considered in demonstrating exceptional circumstances, are namely:

a) The acuteness/intensity of the objectively assessed need;b) The inherent constraints on supply/availability of land, prima facie suitable for sustainable development;c) The consequent difficulties in achieving sustainable development without impinging on Green Belt;d) The nature and extent of the harm to this Green Belt; ande) The extent to which the Green Belt may be ameliorated.

4.11 Items a) – c) are addressed within the wider round of evidence base including within the Housing Needs Assessment Topic Paper (Feb 2021) and Development Constraints Study (2016). It is evident that there is a compelling case for development to occur in the Green Belt at the urban edge of Tunbridge Wells given that it is the main town/tier 1 settlement of the Borough and the largest settlement in the wider West Kent area.

4.12 This section thereby focuses on items d) and e) above and these items are addressed within TWBC's wider Green Belt Review including the "Stage 3 - Green Belt Review - Assessment of Site Allocations (Nov 2020)".

4.13 The Stage 3 Review provides an assessment of the site characteristics in regard to the 5no. purposes of the Green Belt (set out in the NPPF). These are as follows:

1) Checking the sprawl of large built up areas; 2) Preventing neighbouring towns from merging; 3) Safeguarding the countryside from encroachment; 4) Preserving the setting and special character of historic towns; 5) Assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

4.14 Only the eastern parcel of the site is proposed for Green Belt release and the Stage 3 report notes that *“the area to be released makes a Moderate contribution to checking the unrestricted sprawl of the large built up area, to the prevention of encroachment on the countryside and to preserving the special character and setting of Tunbridge Wells”*.

4.15 Furthermore, the Stage 3 report goes on to confirm that the impact of its release on the adjacent Green Belt (i.e. western parcel) will be Negligible. Harm resulting from the release of the site will be Low-Moderate.

4.16 The Landscape Concept Note (Define – **Appendix 1**) provides an independent critique of the Local Plan evidence. This however fundamentally agrees with *the nature and extent of harm to this Green Belt* as identified by TWBC.

4.17 Equally, Define has reviewed the “Potential Mitigation Measures” identified for the site in the Stage 3 Green Belt Review, as considered in the context of the extent to which the Green Belt may be ameliorated.

4.18 Potential for mitigation measures includes:

- The layout, form and mass of built development to have regard to the topography, trees, hedgerows and Ancient Woodland;
- The potential requirement for a buffer to development to the Scheduled Monument;
- The provision of a soft landscape buffer along the south-western boundary;
- Other potential mitigation measures could include the introduction of locally characteristic woodland or hedgerow planting to the north-west of Ramslye Farm (between the western and eastern elements of the site).

4.19 The Stage 3 Review goes on to note that these measures would help to reduce any potential visual influence of development on adjacent Green Belt land and would help to integrate development into the landscape. The Define Assessment (**Appendix 1**) confirms that these aspects of the scheme are deliverable at the site and accordingly will reduce the potential for Green Belt harm.

4.20 Additionally, the scheme will secure measures that would increase public access to the remaining Green Belt land (western parcel). These measures include:-

- Provision of links from the site to the existing PRow and pedestrian and cycle links to the adjacent Ramslye Estate;
- The ability to demonstrate a positive contribution to Biodiversity Opportunity Area targets; and the provision of publicly accessible open space and recreation.

4.21 In line with the NPPF (para 138), these measures would increase public access to remaining Green Belt land, thereby off-setting potential harm through compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land.

4.22 The above context clearly demonstrates that there are exceptional circumstances for the Green Belt release of the site and the Local Plan is considered “sound” on this basis.

c) AONB

4.23 The eastern/development parcel of the site does not form AONB. In this regard, the development of the site can be considered in the context of the “setting” of the AONB which includes the western parcel (to be retained as Green Belt).

4.24 The assessment of the site within its AONB context is addressed within the “Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB (Nov 2020)”. This report confirms that there are some characteristics that distinguish the western and eastern elements of the site. It notes of the contribution to local distinctiveness and intrinsic value of the western parcel and accordingly recommends its retention as open space. Dandara supports this assessment.

4.25 The report goes on to note that the eastern parcel lies outside the AONB, is influenced by adjacent housing to the north and east and subsequently has a substantially lower sensitivity to development. Accordingly, development within the eastern field is more consistent with the existing settlement pattern.

4.26 Furthermore, the potential landscape and visual effects for development have the potential to be mitigated by additional structural planting and through enhancements to the western parcel. The overall effects of development within this part of the site would be subject to detailed design, however if carried out sensitively in line with policy guidance, could have no residual significant effects.

4.27 Dandara accepts the findings set out in the evidence base in terms of AONB. The Define assessment (**Appendix 1**) demonstrates that the scheme is able to achieve a sensitive design response in an AONB setting. This will be achieved as follows through, *inter-alia*, the following:

- Retain the western parcel within AONB;
- Utilise western parcel as open space;
- Retain as far as possible trees/hedgerows lining A26 (east of site);
- Introduce high quality replacement planting where trees are to be removed;
- Ensure better connectivity to the countryside including enhancing PRoW routes;
- Secure biodiversity enhancements including improved links between areas of designated woodland.

4.28 Accordingly, the development will be sensitively located and designed with the setting of the wider High Weald AONB.

5.0 CONCLUSION

5.1 The Reg 19 “Pre-Submission Local Plan” is broadly supported. These representations fully support the allocation of the site at Spratsbrook Farm, Tunbridge Wells and the land use implications of the allocation are robustly addressed in the evidence base through the Green Belt review and AONB assessment.

5.2 Nonetheless, it is considered that Spratsbrook Farm can deliver a greater quantum of development at the site as amounting to 170 no. dwellings – making an efficient and effective use of the site in line with the NPPF. This is considered against the housing need background for the Local Plan and the need to achieve and secure an increased buffer (20%) in the Plan. The uplift of development at the site will help address affordability issues in the area as well as the potential for unmet needs from neighbouring authorities (i.e. Sevenoaks and Wealden).

5.3 These representations recommend further amendments to the Local Plan with regard the site. In summary these include:

- Increased flexibility to respond to the actual need for self/custom build homes at the time the scheme comes forward should such provision be viable;
- Alterations to the housing trajectory to bring the site forward for development earlier in the Plan period from 2023/24.

5.4 These representations further provide comments on the detailed requirements of the site allocation to seek to address the policy in terms of “soundness”. We trust our representations are helpful in this regard and we reserve the right to comment upon potential additional modifications at the Examination stage of 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)? . 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:

Dandara is seeking modifications be made to the Local Plan, in particular to policy AL/RTW16 (Land west of Eridge Road, Tunbridge Wells). Should such modifications not be made/submitted to the Inspector by TWBC, Dandara would seek to present its arguments at the relevant examination hearing sessions.

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_91a-d

Comment

Agent	Andy Pearce [REDACTED]
Email Address	[REDACTED]
Company / Organisation	CBRE Limited
Address	[REDACTED] [REDACTED] London [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1689
Response Date	04/06/21 16:55
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI_.pdf
Data inputter to enter their initials here	AT
Question 1	

Respondent's Name and/or Organisation Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

Question 3

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

Question 3a

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

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

Paragraph Numbers: 5.153 - 5.193

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

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

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

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

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

[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
- . STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
- . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
- . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and
- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

Accordingly, please find the following enclosed representations which will be sent via email and secure electronic file transfer:

- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

5.6 Pre-Submission Local Plan Policy STR/PW1 sets out the strategy for delivery of strategic housing allocations, Policy STR/SS 1: The Strategy for land at Paddock Wood, including land at east Capel and Policy STR/SS 2: Paddock Wood Town Centre. This includes the delivery of approximately 3,933 – 4,033 new dwellings at Paddock Wood comprising:

- Approximately 3,490 – 3,590 dwellings at Paddock Wood, including land at east Capel (Policy STR/SS1);
 - At least 30 dwellings as part of the revitalisation of Paddock Wood Town Centre and east Capel (Policy STR/SS2);
 - Approximately 413 dwellings at Land at Mascalls Farm (Policy AL/PW1);
- this includes 313 dwellings which already benefit from planning permission.

5.7 Dandara support the key overarching principles of Policy STR/PW1 including the requirement to contribute towards flood storage/attenuation/mitigation measures and flood defence works to reduce local flood risk and assess the impact of development on the setting of the High Weald Area of Outstanding Natural Beauty (AONB).

5.8 However, Dandara suggest that the word "approximately" 3,490 – 3,590 dwellings is replaced with "between 3,490 – 3,590 dwellings" as this is intended to be a quantum range and should be updated in the interests of ensuring "effective" policies in accordance with Paragraph 35(c) of the NPPF.

5.9 Appendix A provides a clear conceptual approach to how the requirements of Policy STR/PW1 can effectively be integrated to deliver upon the allocation. This work has been produced to evidence how our own technical assessment work broadly supports the proposed approach that is presented in the Structure Plan. The detail of how this will be progressed will clearly be part of further consideration with key local and statutory stakeholders as part of the SPD process, however, should provide the confidence of deliverability and that the draft policy provides an appropriate basis from which to progress the masterplanning of the site.

5.10 Policy STR/SS1 allocates a series of land parcels at Paddock Wood and east Capel, including PW1_1 for approximately 3,490 – 3,590 new dwellings and for it to adhere to Garden Village principles. Dandara support the key overarching principles of Policy STR/PW1 and site allocation STR/SS1 and the need for new housing and delivering mixed communities. Dandara support the Council's approach to produce four Framework Masterplan SPDs that are informed by the overarching Structure Plan.

5.11 Dandara specifically support the provision of new homes on the Western Parcel (see Figure 4 above) which includes Land at Badsell Farm (SHELAA Site ref. 142) for the delivery of new homes, a new neighbourhood centre and the Council's promoted new sports/leisure hub and health centre which part comprises adjacent land to the north (SHELAA Site ref. 309) within the site allocation. Figure 5 below identifies land parcel 142. We have further comments with regards to the approach to the new sports/leisure hub which are addressed in Paragraphs 5.56 – 5.71 below but have no issue with the principle of the land being used for this use, subject to the Council satisfying themselves that there proposals are acceptable with respect to landscape, highways, heritage considerations etc. It should be noted that whilst located in part on Dandara's land interest, the sports/leisure provision if not being promoted or delivered by Dandara. Dandara can confirm the land as available to be safeguarded for such future use.

5.12 Dandara is committed to working with the other strategic site landowners to prepare the masterplan for the Western parcel, which includes the entirety of their land interest at Badsell Farm, Paddock Wood. Dandara also wish to work collaboratively with the strategic site landowners developing masterplans for the other Northern and Eastern parcels and Paddock Wood Town Centre to ensure that strategic growth at Paddock Wood is of a high quality, delivers the requirements of Policy STR/SS1 and is fully coordinated.

Emerging Concept Masterplan and Landscape Framework – Dandara 5.13 The enclosed Land at Badsell Farm, Paddock Wood Landscape Concept Document (June 2021) prepared by Define with input from JTP has been prepared in support of the site's residential allocation and includes an initial assessment of site capacity and land budget factoring in the above identified site constraints.

5.14 The Landscape Concept Document includes a remodelled emerging concept masterplan and landscape framework for the Land at Badsell Farm site shown in Figure 6 below which is based on a remodelled floodplain using detailed flood modelling to maximise the site's development potential and make an efficient use of land while including necessary flood management and open space/sport provision in accordance with Paragraphs 96, 122 and 157 of the NPPF and crucially, to satisfy the requirements of draft Policy STR/SS1. Importantly the emerging concept masterplan has been underpinned by the site technical evidence base collated to date (flood modelling, baseline heritage advice, landscape visual impact analysis) to test the robustness of the masterplan and to ensure it responds to the site setting and its constraints.

5.15 Dandara's emerging concept masterplan therefore differs to the Council's Structure Plan (Map 28 of the Pre-Submission Local Plan) which is understood to be based on existing Flood Zones (EA Flood Map which sets out high level food zones and does not identify Flood Zones 3a/3b) and excludes any development in Flood zones 3a. Dandara's indicative site masterplan is benefited by, and based on, more-detailed flood modelling and realigned floodplain to maximise site development potential and making an efficient use of land while including appropriate flood management and mitigation as part of achieving necessary "betterment".

5.16 Dandara note that a similar and successful approach to remodelling the floodplain to achieve betterment and maximise the developable areas in the interests of efficient use of land in accordance with the NPPF was taken as part of the Phase 2 Northstowe redevelopment (3,500 new homes) in Cambridgeshire (South Cambridgeshire District Council) LPA ref. S/2011/14/OL, dated 9 January 2017, as amended) in accordance with the Northstowe Area Action Plan (adopted July 2007). It is noted that the EA / Council were fully supportive of approach to floodplain remodelling and this strategy was found to be sound.

5.17 The level of technical input that has informed the Structure Plan on Page 149 is appropriate in the context of informing a strategic policy and is consistent with Paragraph 156 of the NPPF as it relates to considering flood risk. To ensure that the Structure Plan on Page 149 does not intentionally pre-determine the production of the more detailed SPDs (and accompanying more detailed evidence) the status of the Structure Plan (and its strategic, conceptual nature) should be included in the policy to avoid it being seen as a 'fix' and provide transparency as to its intentions.

5.18 The technical work undertaken by Dandara in respect of detailed flood modelling confirms that there is more than one way to achieve the outcome of the established masterplan and good place-making principles under the Policy STR/SS1 and the Structure Plan and accordingly, there should be sufficient flexibility at this stage as long as principles align. Such flexibility will allow detailed discussions with the Council and key stakeholders through the masterplanning, SPD and future development management process.

5.19 Dandara propose that detailed flood modelling undertaken will be shared with the Council and the Environment Agency as part of future masterplanning and pre-application discussions to ensure the flood strategy and necessary mitigation to achieve betterment is agreed prior to future planning application submission. However, Policy STR/SS1 and the associated future Framework Masterplans (SPDs) should be flexible to allow for alternative approaches, whilst still achieving the objectives of the policy.

Quantum 5.20 Dandara accept that the quantum and scale of residential development for each strategic land parcel within site allocation STR/SS1 will be informed by a detailed masterplanning exercise factoring the individual site constraints and will draw down from the approximately 3,490 – 3,590 new dwellings. This figure is marginally below the quantum tested by the Council in their latest SHELAA (January 2021) which confirmed site allocation Policy STR/SS1 is suitable for delivering circa 3,600 homes. In this context, the reference to ‘approximately’ in the policy is not appropriate and instead should read “between 3,490 – 3,590 dwellings”. This would allow for the further detailed masterplanning work to appropriately test and refine the development capacities associated with individual sites within the artificial cap.

5.21 Dandara suggest additional flexibility is built into Policy STR/SS1 to account for the distribution and quantum of development and specific parcel layout to be determined by detailed masterplanning process and to form part of the Framework Masterplan SPDs to be adopted by TWBC to guide future development.

5.22 The enclosed Land at Badsell Farm, Paddock Wood Landscape Concept Document (June 2021) prepared by Define and JTP has been prepared in support of the site’s residential allocation and includes an initial assessment of site capacity and land budget based on remodelled floodplain layout and factoring all other constraints set out above.

5.23 This site capacity assessment confirms the site has an indicative potential capacity of between 500 – 600 dwellings based on a total 17 ha net deliverable residential area including roads and an average density of 35 - 38 dwellings per hectare. This housing range is indicative and is subject to detailed masterplanning and design feasibility work.

5.24 The delivery of circa 500 – 600 homes on Land at Badsell Farm represents between 14-17% of the total 3,490 – 3,590 dwellings to be delivered and therefore represents a significant proportion of homes and key site within the wider strategic allocation Policy STR/SS1.

Heritage 5.25 Supporting Paragraph 5.166 to Site allocation Policy STR/SS1 notes that whilst there are no listed buildings within the allocated sites, there are clusters of listed buildings adjacent to the site boundaries, including Badsell Manor Farm and the settings of the settings of these buildings form an important part of the heritage of the town.

5.26 Accordingly, Dandara have undertaken a Heritage Baseline study (Turley, August 2020) which concludes that appropriate mitigation and separation distances will ensure that any adverse impacts on the setting of the Mill House Group is avoided.

5.27 The heritage impact on the Badsell Manor Group is likely to be more sensitive due to its historic, functional and visual connection with the surrounding agricultural lands (including the site). However, confirms the following mitigation is proposed to the emerging landscape framework in response to the site’s heritage sensitivities:

- Retention of a planted buffer to the sides of Badsell Manor Farm;
- Enhancement of existing rows of trees along boundaries adjacent to Badsell Manor Farm and along the field to the north of Badsell Manor Farm;
- Retention of the existing field patterns within the site and/or reflection of these patterns within the development through landscaping and arrangement of landscaping, built form, transport routes, amenity, etc.

5.28 The Heritage Baseline study concludes that any perceived adverse impact on the significance of the listed buildings arising from development of the Site and the associated change in part of its landscape setting, would be towards the “lower end of the scale of less-than-substantial harm, identified by NPPF paragraph 196”. In that context, that less-than-substantial harm should be weighed against the significant public benefits of the proposed development, having regard to the considerable weight and importance to be placed on the desirability of preserving their special interest and setting (i.e. sustaining their heritage significance) in considering the overall acceptability of development on-site.

5.29 Therefore, the emerging concept masterplan for Land at Badsell Farm incorporates appropriate mitigation to demonstrate how the character, setting and significance of adjacent heritage assets associated with the Mill House and Badsell Manor identified groups of listed buildings can be preserved in accordance with paragraph 196 of the NPPF. Dandara note that sufficient flexibility should be included in the site allocation Policy STR/SS1 as to the specific design approach through the masterplanning process but provides confidence that heritage won't be a constraint to deliverability of the established principles.

Local Exceptional Circumstances5.30 Site allocation Policy STR/SS1 results in the strategic release of Green Belt land at Paddock Wood. This includes the release of the Western Parcel from the Green Belt.

5.31 As set out in the previous Chapter, there are clear Plan-Wide Exceptional Circumstances that support the release of Green Belt to deliver the objectives of the Plan.

5.32 The site is included in the Council's Green Belt Study Stage Three: Assessment of Green Belt Allocations (November 2020) prepared by LUC. Former Draft Allocations AL/CA3 and AL/PW1 (herein referred to as AL/PW1) includes an area of land of approximately 148 ha to the west and north-west and north of Paddock Wood that will be released from the Green Belt to deliver the vision for Paddock Wood. This is part of a larger allocation that also includes areas of non-Green Belt land to the north and east of Paddock Wood. This allocation includes two whole parcels - PW1_1 (southwest parcel) which comprises the entirety of Land at Badsell Farm, Dandara's land interest and PW1_2 (north-west parcel) - and small parts of PW1_3 (north central parcel) and PW1_4 (north-west central parcel) as shown in Figure 7 below.

5.33 The Green Belt Study Stage Three assessment confirms that overall, AL/PW1 makes a "strong" contribution to the prevention of encroachment on the countryside and a "relatively weak" contribution to prevent coalescence of neighbouring towns; and the impact of its release on the adjacent Green Belt is "moderate".

5.34 That said, Green Belt Study Stage Three assessment correctly references variations in harm for sub-Green Belt parcels. The western (blue) portion of Dandara's land interest (defined on its western edge by Tudeley Brook and on its eastern edge by the hedgerow lying between the inset edge and Tudeley Brook as show in Figure 7 above) makes a "relatively strong" contribution to Green Belt Purpose Test 3, but is considered to "contribute less to the impact on the perceived separation between Tudeley Village and Paddock Wood and will cause less impact on the distinction of adjacent Green Belt land to the south-west, west, north-west and north". Accordingly, the impact associated with the release of this area is "minor-moderate" and the harm rating is "moderate".

5.35 Dandara consider the Council's Green Belt Studies (Stages 1-3) to be detailed, robust and in accordance with Paragraph 35(d) of the NPPF. The Green Belt assessment appropriately captures the assessment of the site and, in turn, the policy appropriately responds (through the Structure Plan) to ensuring that residential development is contained to the east of the site with the western boundary kept more open through the indication of sports use on this part of the site.

5.36 The existing boundary between the Green Belt and Paddock Wood on the western approach into the town is abrupt, characterised by a dense housing area. The release of the site from the Green Belt offers the potential for a more logical boundary to be established to the Green Belt which is capable of enduring in the longer term using strong features (in the tree belt and road) which are physical and likely to be permanent.

5.37 The enclosed Landscape Concept Document (June 2021) (Appendix A) includes Define's independent study of the role of the Land at Badsell Farm site in delivering the purposes of the Green Belt. This study concurs with the findings of the Stage Three Green Belt Study. The existing belt of mature trees along the A228 provides a robust and easily identifiable new Green Belt boundary, and there is the potential to make this more robust, with the planting of additional vegetation as part of the masterplan.

5.38 All of the mitigation measures proposed by the Stage Three Green Belt Study are included within Dandara's emerging concept masterplan and landscape framework.

5.39 The Council's Development Strategy Topic Paper (February 2021) at Page 60 sets out the Local Exceptional Circumstances case for the release of Land at Paddock Wood (including land in east Capel). This is summarised as follows:1. the land proposed to be released from the Green Belt here is part of a wider release of non-Green Belt land to deliver development in a sustainable location,

around an existing settlement, with the potential to rejuvenate and revitalise the town centre: approximately 48% of the total area of land included for the comprehensive urban extension is currently designated as Green Belt; 2. through the comprehensive development of this site, and particularly the land to the west of Paddock Wood (i.e. that which would be released from the Green Belt), it has been identified through the Strategic Flood Risk Assessment that there is the potential for the flood mitigation required in association with this development to deliver “betterment” through reduced flood risk to existing areas of Paddock Wood and its surrounds. This requirement is specifically included in the policy, and is considered to make a significant contribution to the exceptional circumstances for the release of this land from the Green Belt;

5.40 We fully support the identification of the 3 points raised above. In developing point (1) further, in promoting the sustainable development on Paddock Wood it is clear that the benefits to sustainable development would be significantly less if further expansion of Paddock Wood was prioritised on ‘non-Green Belt’ land. Given the way that the Green Belt boundary is drawn to avoid Green Belt land would result in greater travel distances to the train station and key services in the High Street and would be inconsistent with Paragraph 138 of the NPPF.

5.41 Furthermore, in respect of (2) it is important to state that the betterment that would result is a product of the site being allocated for housing development which in effect acts as enabling works to the proposed remodelling. It would not be feasible for the remodelling work to be undertaken in isolation from the site being allocated for development.

5.42 As set out in Chapter 6 of the Landscape Concept Document (June 2021), Dandara’s emerging concept masterplan has been informed by the requirement for land to the south-west of Paddock Wood to provide flood mitigation which is central to the ‘exceptional circumstances’ as outlined above and in support of release of the land from the Green Belt. BWB have undertaken detailed flood modelling for the Site to understand the flood mitigation potential of Land at Badsell Farm to make the development more flood resistant and resilient to manage residual flood risk and achieve flood betterment for existing dwellings to the south-west side of Paddock Wood as required by draft Policy STR/SS1. BWB have identified the opportunity to remodel the floodplain and, in doing so, provide flood mitigation alongside additional developable area.

5.43 The emerging concept masterplan demonstrates that the remodelling of the floodplain and development parcels could in our view result in a better urban design response which can be tested through masterplanning and pre-application process, hence the need for the site allocation to provide sufficient flexibility.

5.44 Dandara therefore suggest the Council provide greater flexibility in Policy STR/SS1 and the emerging Structure Plan to reflect alternative options for the distribution of development and remodelling the floodplain in the interests of maximising the site’s development potential and ensuring an efficient use of land, while including necessary flood management and betterment to Paddock Wood required as part of the Local Exceptional Circumstances case in accordance with Paragraph 122 of the NPPF. The provision of a larger developable area would boost housing capacity on site and would help address the Council’s housing need and maximise sustainable development at allocated strategic sites in accordance with Paragraphs 73, 122 and 157 of the NPPF and crucially, to satisfy the requirements of draft Policy STR/SS1.

AONB Considerations 5.45 The Badsell Farm site and wider Paddock Wood masterplan (Policy STR/SS1) are not located within the High Weald AONB.

5.46 The key published document for understanding the relationship between the High Weald AONB and the site is the Council’s AONB Setting Analysis Report. This document recognises that development to the west of Paddock Wood (western parcels of draft allocation STR/SS1, including PW1_1) are “unlikely to have an adverse effects on the setting of the High Weald AONB”. However, to ensure a positive scheme is developed, a series of specific mitigation measures are proposed as summarised below:

- . Promote a landscape led approach to masterplanning that creates a structure to contain the allocation sites which is consistent with the character of the adjacent High Weald AONB.
- . Test the visibility of proposed development including preparation of LVIA with viewpoint analysis from the ‘Millennium Viewing Point’, a critical viewpoint location, using wireframes or photomontages in order to fully assess the potential effects on the setting to the AONB.
- . Any masterplan should adhere to relevant guidance including the National Design Guide (January 2021) and should take inspiration from the High Weald Design Guide and Management Plan.

- . Give careful consideration to the views and rural setting of listed buildings and historic farmstead, which are visible within the landscape from the High Weald AONB.

5.47 Dandara support the conclusions of AONB Setting Analysis Report and consider this to be a robust evidence base document.

5.48 The enclosed Landscape Concept Development Report (June 2021) includes an assessment of key viewpoints and assesses the response to the AONB.

5.49 Therefore, as set out in the enclosed Landscape Concept Development Report (June 2021), Dandara consider the emerging concept masterplan to positively include and respond to the Council's suggested AONB mitigation requirements and therefore is unlikely to have an adverse effect on the setting of the High Weald AONB as concluded by the AONB Setting Analysis Report.

Minerals Safeguarding5.50 It is acknowledged that the adopted Kent Minerals and Waste Local Plan 2013-2030 (September 2020) confirms that Land at Badsell Farm is located within a designated area of sandstone as part of the Upper Tunbridge Wells Sand Formation.

5.51 Site allocation Policy STR/SS1 (Part 11) requires consideration for potential mineral deposits on the Western and Eastern land parcels of site allocation Policy STR/SS1 and for any viably workable minerals should be extracted prior to development commencing on the site.

5.52 As currently drafted the policy is unsound as the requirement for prior extraction of mineral before development can commence would affect the delivery of key strategic infrastructure at Paddock Wood and, in turn, delay when benefits (including regeneration benefits associated with Paddock Wood Town Centre) could be realised. As such, Dandara objects to the current wording of the policy.

5.53 This approach has recently been considered through the examination of the South Oxfordshire Local Plan in a similar context where, at Paragraph 295 of the Inspector Letter, it was confirmed that a similar policy to STR/SS1 (Part 11) would not be consistent with Paragraph 204 (D) of the NPPF (2019). In that case, and as advocated here, we suggest that the policy is amended to include reference to "encouraging developers to extract minerals prior to non-mineral development taking place where this is practical, viable and environmentally feasible".

Housing Delivery5.54 The Council's Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) that allocation STR/SS1 is to deliver between 3,490 – 3,590 new homes with an average delivery of 300 dwellings per annum (dpa) in the medium - long term; 2025/26 – 2036/37.

5.55 Dandara support the planned growth and quantum of homes at Paddock Wood. Dandara also strongly endorse Policy STR/PW1 which suggests the western land parcel of Paddock Wood should be delivered in two parts referring to Dandara's and Crest Nicholson's separate land interests.

5.56 Dandara note that Draft Policy STR4 (Ensuring Comprehensive Development) promotes comprehensive site development. Whilst Dandara support the thrust of this policy, it should be amended to reflect a more flexible approach to housing delivery in the strategic allocations. For example, where land parcels that are not inter-dependent one another to come forward, as in the case of the Western Parcel of Paddock Wood (Policy STR/SS1) this will allow two parcels to be delivered independently in the interests of the timely delivery of new homes and to ensure that any delivery issues with one land parcel do not unnecessarily delay and fetter development elsewhere. Dandara suggest the detail and phasing of the strategic sites could be worked through the Framework Masterplan SPD process and would ensure that Policy STR/SS1 is "effective" in accordance with Paragraph 35(c) of the NPPF.

5.57 Land at Badsell Farm is suitable and has capacity for circa 500-600 dwellings. However, Dandara suggest the average delivery figure of 300 dpa is overly conservative when factoring this is a strategic allocation and this delivery figure is shared across principally four strategic sites. Dandara recognise the need to demonstrate a regular and achievable rate of supply to an Inspector but, suggest a delivery rate of circa 350-390 dpa is more suitable and realistic.

5.58 Dandara wish to draw the Council to their Knights Park scheme were 70-100 dwellings were delivered per annum.

5.59 On the Badsell Farm site alone, the site is available and there is nothing preventing the site being delivered in the medium – long term i.e. 2025/26 – 2032/33/34. Dandara expect to deliver circa 75-100 dpa as part of a multi-phased development. The Council's trajectory should be revised accordingly in the interests of being "justified" and found to be "sound" by an Inspector in accordance with the NPPF.

Development of the site will secure appropriate “green”, “grey” and “blue” infrastructure, as including open space and landscape provision, as well as access and on-site drainage infrastructure.

Neighbourhood Centres5.60 Site allocation Policy STR/SS1 (part 2b) identifies Land at Badsell Farm as having potential for one of three new neighbourhood centres with an overall, combined floorspace cap of 2,000 sqm commercial floorspace (Class E). Dandara welcomes this neighbourhood centre allocation in the interests of good placemaking, providing complimentary services and local facilities to support new housing and creating sustainable communities in accordance with the NPPF, PPG and the Government’s recent Living with Beauty publication (January 2020).

5.61 However, Dandara would like to understand who is delivering the neighbourhood centre and what are the timescales envisaged for its delivery.

Infrastructure5.62 We are continuing to work with TWBC through the strategic working group to consider the information presented in the Infrastructure Delivery Plan and reserve the right to comment further on this during the formal examination process as necessary. Below we have set out principal comments in respect of the ‘headline’ infrastructure provision.

Sports Provision5.63 Site allocation Policy STR/SS1 (parts 2d and e) proposes the creation of a new sports/leisure hub and possible health centre which have been promoted by the Council on Dandara’s land (some also extends to the land of Crest Nicholson). The Policy STR/SS1 states:“...a new sports and leisure hub, which could incorporate an indoor 25m swimming pool and indoor and outdoor sports facilities. Around 10 hectares of land should be safeguarded within the western parcel (edged in blue on Map 27), to the south of the railway line and to the east of the A228 for this purpose”.

5.64 The reference in the policy to ‘could’ creates ambiguity as what is required to be delivered as part of the policy vs what TWBC has aspirations to deliver on the site (i.e. beyond the requirements of CIL 122). As set out further below, there is no justification for a swimming pool to be delivered based on the evidence base and scale of the allocation, however, we appreciate that TWBC may have its own aspirations to deliver more transformational infrastructure benefits alongside the allocation to seek to address existing deficiencies in Paddock Wood that are highlighted in the evidence.

5.65 Dandara’s position of open space and sports provision is summarised as follows:1) The land for the Council promoted sports/leisure hub area is available if it is considered appropriate/necessary and based on local sports / open space needs;2) Dandara can in any event meet the open space / play space needs of major residential-led mixed use development on-site own site and is not reliant on other sites coming forward or not;3) It is therefore for the Council to provide robust evidence as to why the amount / type of sport/leisure provision and location, what layout is required, as well as to ensure appropriate access, including necessary public transport connections.

5.66 The Council’s Tunbridge Wells Retail and Leisure Study (April 2017) indicates the existing need for a new swimming pool in Paddock Wood, independent of the allocation. The Council’s Indoor/Built Sports Facility Needs Assessment (June 2018) indicates the requirement for a new 25m swimming pool in Paddock Wood, to meet current and future growth (our emphasis) as part of the new Local Plan but is not specific to the strategic allocation at Paddock Wood and does not specify where. Dandara note that the emerging evidence base suggests a need for half a new swimming pool in Paddock Wood based on the proposed strategic allocation only.

5.67 The Council’s Playing Pitch Strategy 2017-2033 (November 2017) states that the urban expansion of Paddock Wood generates a demand for a series of play pitches including 5 x adult 11 vs 11 pitches, 2 x junior 11 vs 11 pitches, 2 x junior 9 vs 9 pitches, 3 mini soccer 7 vs 7 pitches and 2 mini soccer 5 vs 5 pitches. The strategy includes a new sports hub with grass and 3G runner crumb pitches.

5.68 The Council’s Tunbridge Wells Borough Council Open Space, Sport and Recreation Study (June 2018) confirms that Paddock Wood currently has a sufficient supply of all typologies except for youth play space. The study confirms there are ‘gaps’ in access to children’s play space in the north west of Paddock Wood.

5.69 The study highlights the potential for additional youth facilities (or expanding existing ones) within parks and recreation grounds. The study was based on the planned growth at Issues and Options stage and the need for 7,928 dwellings and to accommodate 17,600 new dwellings. This evidence base has not been updated to reflect the Draft Local Plan and the open space and play space requirements specific to Paddock Wood.

5.70 Dandara's emerging concept masterplan (see Figure 6 above) includes the 10Ha of safeguarded land for the Council's new sports/leisure and health hub in accordance with Site allocation Policy STR/SS1 (parts 2d and e). An initial open space assessment has been undertaken which confirms the following quantities of open space in Table 2 below which are considered likely to be needed on the basis of delivery of between 500 and 600 new homes.

5.71 Dandara's emerging concept masterplan currently shows the quantities of play and allotment typologies, and in addition provides significantly more amenity and parks and recreation space to better reflect the site's landscape setting and character.

5.72 The above review of the open space requirements of Capel Parish and Paddock Wood indicates that the use of Land at Badsell Farm for the provision of sporting facilities and youth play space would help to address a deficiency. Analysis of walking distances also indicated that a sports hub in this part of the site may be best suited to provision of some, but not all, of the sporting and leisure needs of Paddock Wood, raising the potential that the Site could deliver the sports fields use, with the built form elements (e.g. a swimming pool or leisure centre) being located elsewhere.

5.73 Dandara fully acknowledges the need for appropriate sports and leisure provision to be provided as part of the package of infrastructure that is delivered with the allocation. Whilst Dandara would not be responsible for building the facility proposed, Dandara supports the principle of safeguarding land on the site to ensure that, through the masterplanning process, this need is met, if the location/type is considered to be appropriate and necessary.

5.74 As part of the masterplanning process ahead of the submission of planning applications on the site, it is prudent to consider what implications the proposed sports hub allocation would have for the existing Putlands Sports & Leisure Centre. The existing sports and leisure centre are arguably better placed, geographically, to benefit both the emerging and existing population of Paddock Wood and, as such, it may be a better opportunity for financial contributions to support the improvement and expansion of this facility. In addition, what are the implications of a new sports/leisure hub at Land at Badsell Farm, Western Paddock Wood on this facility, can the two sports/leisure hubs operationally work together and will they have a different sports offering?

5.75 Therefore, Dandara supports the approach to safeguarding land in the Structure Plan for a proposed leisure, sports and recreation use so allow this to be considered further through the masterplanning process to determine exact open space / sports provision requirements, which are viable and both appropriate and necessary in this location.

5.76 Dandara seek additional clarity from TWBC on the type and quantum of sports provision they are looking accommodate on Land at Badsell Farm, Western Paddock Wood. It is acknowledged this will be informed by the masterplanning process and preparation of Framework Masterplans but it is not clear how much of the above identified sports pitch and other facility demands can be met on site, timescales for delivery and who will deliver this major sports and leisure infrastructure.

5.77 Dandara also suggest Draft Policy STR/SS1 is amended to clarify that the delivery of a sports/leisure hub will be a matter to be specifically dealt with through an equalisation agreement / pooled planning obligations, and crucially, that the provision of land will be counted as part of Dandara's share of these contributions.

Highways Approach

5.78 Proposed strategic growth at Paddock Wood is supported by new highway and transport infrastructure requirements. Site allocation Policy STR/SS1 (part 7) seeks to secure the phased delivery of highway and transport infrastructure, including on- and off-line improvements to the A228 around Colts Hill and the provision of a new highway to bypass Five Oak Green.

5.79 The Council's Infrastructure Delivery Plan (March 2021) confirms this new A228 Colts Hill bypass is of critical importance and is required in the medium term. Dandara however note that the Council's evidence base (including the Transport Assessment Report Update, March 2021 and Strategic Sites and Infrastructure Study 2021) confirm that the provision of a new highway which bypasses Five Oak Green is only required for the development of Tudeley Village. As stated at Paragraph 6.34 of the Strategic Sites and Infrastructure Study (2021): "Therefore, it is recommended that should Tudeley Village come forward, a link road is needed to reduce highway trips through Five Oak Green. The link road would need to join the A228 near Colts Hill".

5.80 Furthermore, under the Paddock Wood 'only scenario' it is confirmed at Paragraph 6.76 that this would result in the removal of the need for the Five Oak Green Bypass.

5.81 In this context, as drafted Policy STR/SS1 (part 7) is not justified in requiring contributions to be made by Paddock Wood allocations to the provision of the Five Oak Green bypass. Whilst we

acknowledge that as a result of the cumulative nature of the schemes they may be a requirement to make a proportional contribution, this is not currently reflected in the wording of the policy which reads as if the bypass is a pre-requisite for the development of Paddock Wood, when the evidence suggest to the contrary, that it is not necessary.

5.82 Accordingly, Dandara object to Policy STR 6 (Transport and Parking) part c) 'Highway Network' on the basis that the provision of the Five Oak Green bypass and measures along the A228 do not relate to the Western Parcel and therefore are not directly related. This policy should be amended accordingly so it is consistent with Paragraph 56(b) of the NPPF.

5.83 In addition, and in a similar vein, Policy STR/SS1 (part 15) should be amended to distinguish between the development of Paddock Wood and Tudeley. The reference to 'or a version of this document as amended should be replaced with the reference to the document upon which the viability assessment to inform the allocation has been undertaken. Without this the policy is left unclear and unambiguous as to its intentions.

5.84 In light of the above, Dandara seek assurance from TWBC that all such infrastructure contributions are strictly necessary to Land at Badsell Farm to make the development acceptable in planning terms; are directly related to the development; and are proportionate and therefore, fairly and reasonably related in scale and kind to the development in accordance with the planning obligation tests set out at Paragraph 56 of the NPPF.

5.85 Dandara also note that the emerging Paddock Wood and East Capel Structure Plan shows an indicative bus route through the Western parcel connecting to the proposed sports/leisure hub with access from Badsell Road. Dandara note that the detailed bus route will need to be determined as part of the masterplanning process and agreed with KCC Highways. Dandara can confirm that the development of Land at Badsell Farm is deliverable from independent access to the south, from Badsell Road based on the technical work undertaken.

5.86 Accordingly, Dandara suggest that sufficient flexibility is shown in the Council's revised Structure Plan and Policy STR/SS1 specifically mentions that internal road layout and access will be determined by the masterplanning process and negotiation with KCC Highways.

Pedestrian and Cycling Approach 5.87 As set out in the enclosed Landscape Concept Development report (June 2021), Dandara's emerging concept masterplan for Land at Badsell Farm has been informed by the Tunbridge Wells Strategic Masterplanning and Infrastructure Study Design Principles. In respect to highways and pedestrian and cycling principles, the emerging concept masterplan proposes east to west connecting paths/cycle paths which connect the site (including the proposed sports/leisure / health hub) to existing and proposed crossing points over Gravelly Steams, to existing paths within the south-west of Paddock Wood. Dandara consider the emerging concept masterplan to satisfy the pedestrian and cycling design principle.

Rail Crossing 5.88 Site allocation Policy STR/SS1 (part 2i) seeks the requirement for a new north-south pedestrian and cycle link over the railway line (within the western parcel). Whilst Dandara support this infrastructure, it is considered this should be an aspiration rather than a requirement. Further detail is required on how this will be delivered and funded. It is also acknowledged that it may not be possible to deliver the railway crossing as this will require agreement with Network Rail who will undertake the relevant works.

5.89 Dandara are mindful that there are already significant infrastructure costs to be secured via S106 financial obligations and the new pedestrian/cycle bridge is not necessary to facilitate access from Land at Badsell Farm site to primary connections of Paddock Wood Town Centre and Paddock Wood Railway Station as part of ensuring sustainable development and ensuring planning obligations requested by the Council are necessary; directly relate to the development; and fairly and reasonably related in scale and kind to the proposed development in accordance with the key planning obligation tests set out under Paragraph 56 of the NPPF.

Community Infrastructure Levy 5.90 The Council do not currently have an adopted Community Infrastructure Levy (CIL) Charging Schedule. However, the Council are expected to prepare a CIL Charging Schedule in parallel to the submission and Examination of the emerging Local Plan. Dandara seek clarity on the Council's approach to CIL and associated timing. Dandara also seek further clarity on the role CIL will have for strategic allocations such as Paddock Wood.

5.91 Given the exhaustive list of new infrastructure requirements and 40% affordable housing requirements, it is strongly advocated that the strategic allocations including Policy STR/SS1 have a

zero CIL rating for all development uses as part of encouraging the delivery of these major-scale and complicated sites. The development of Land at Badsell Farm will be able to deliver any necessary infrastructure provision on-site through S106 contributions as necessary and therefore will not burden existing infrastructure, which could justify a CIL contribution.

5.92 Dandara suggest TWBC review Policy STR 5 (Infrastructure and Connectivity) in light of the soundness tests set out at Paragraph 35 (a-d) of the NPPF to ensure the approach to infrastructure contributions is positively prepared; justified; effective and consistent with national policy, specifically, Paragraph 56 of the NPPF and the CIL Regulations 2010 (as amended).

Ensuring Clarity in the Policy STR/SS15.93 Dandara support the Council's approach to the requirement for the production of four Framework Masterplan SPDs that are governed by the overarching Structure Plan.

5.94 However, Dandara are mindful that Paragraph 16 (Part d) of the NPPF requires Plans to: "d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals".

5.95 With reference to Paragraph 16 of the NPPF, and as stated in Dandara's previous Draft Local Plan (Regulation 18) representations (dated November 2019), Policy STR/SS1 should be restructured to provide individual policies or 'sub policies' with specific criteria for each of the four strategic land parcels and in doing so reduce the length of, and simplify, the wording of this site allocation policy. This would allow specific design and policy criteria to be tailored to the individual land parcels, and make it clear what is to be delivered for each of the four strategic parcel areas and include some general criteria that applies to the entire strategic allocation.

5.96 The revised policy wording set about above would also assist Applicant's with future masterplanning and progression to pre-application and planning application stage as well as assisting Council Officers in applying the policy as part of the determination of future applications. We also consider that it would be of benefit to ensuring that the policy is easily understood by members of the public and the local community. We look forward to working with TWBC and the other land promoters at Paddock Wood through a Statement of Common Ground to achieve the necessary changes.

5.97 This approach would also allow the specific infrastructure items in the Council's Infrastructure Delivery Plan to be assigned to the four strategic land parcels or masterplan areas thus making it clear who is paying for what and also to ensure there is no double counting.

5.98 Dandara also suggest additional flexibility is built into masterplanning approach to Policy STR/SS1 to recognise that the distribution and quantum of development and specific parcel layout will be progressed by the next master planning SPD stage and then future planning applications for each parcel that are submitted in general accordance with the adopted Framework Masterplan SPD, again allowing for flexibility within the detailed scheme design.

5.99 To be clear, Dandara is supportive of site allocation Policy STR/SS1 subject to the proposed policy amendments in the interests of soundness as summarised in Appendix B. The proposed restructure of the Policy STR/SS1 would make the policy more targeted and succinct and importantly, more robust in relation to the key policy tests set out at Paragraph 35 of the NPPF. It is acknowledged that the proposed amendments to Policy STR/SS1 will be refined through the SoCG with TWBC.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please refer to Table 3 of Dandara's Reg.19 Written Representations Report prepared by CBRE (June 2021). In summary the proposed amendments are set out below:

STR/SS1: Part 1-15 Policy STR/SS1 should be restructured as follows:

- . Provide individual policies or 'sub policies' with specific criteria tailored to each of the four strategic land parcels or Masterplan Areas. The specific design criteria specific and directly related to each strategic land parcel will help guide future development.
- . Specific criteria for each strategic land parcel should provide sufficient flexibility to acknowledge that the distribution of development within the parcel areas to be determined by the Masterplanning process.
- . General policy criteria should be provided that relates to the entire Paddock Wood strategic allocation.
- . Specific infrastructure items in the Council's Infrastructure Delivery Plan to be assigned to the four strategic land parcels or masterplan areas thus making it clear who is paying for/delivering what and also to ensure there is no double counting.

Proposed restructuring of Policy STR/SS1 would make the This will reduce the length of, and simplify, the wording of this site allocation policy and make it more user friendly.

This approach will also allow specific design and policy criteria to be tailored to the individual land parcels thus making it more targeted, robust and justified in accordance with Paragraph 35 of the NPPF.

STR/SS1: 2 (part a) Dandara support the proposed quantum for the entire strategic allocation however Part 2 (a) should read "between" not "approximately" 3,490 – 3,590 dwellings". The proposed change will make the policy more precise and robust and justified in accordance with Paragraph 35 of the NPPF.

STR/SS1: 2 (part b) Dandara welcomes this neighbourhood centre allocation. Dandara however seek clarification on who is delivering the neighbourhood centre and what are the timescales envisaged for its delivery. Additional detail on the delivery of the neighbourhood centre allocation would make the policy criteria more robust in accordance with Paragraph 35 of the NPPF.

STR/SS1: 2 (part d) Draft Policy STR/SS1 should be amended to clarify that the delivery of a sports/leisure hub will be a matter to be dealt with through an equalisation agreement / pooled planning obligations, and crucially, that the provision of land will be counted as part of Dandara's share of these contributions. The proposed amendments will add more certainty to the delivery of sports/leisure provision and to ensure infrastructure costs are evenly distributed across the strategic parcels and future planning obligations satisfy the necessary tests: "necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development" in accordance with paragraph 56 of the NPPF.

STR/SS1: 2 (part i) Whilst Dandara support this infrastructure, it is considered this should be an aspiration rather than a requirement. Further detail is required on how this will be delivered and funded. Further justification is required to ensure the proposed planning obligation(s) requested by the Council are necessary; directly relate to the development; and fairly and reasonably related in scale and kind to the proposed development in accordance with the key planning obligation tests set out under Paragraph 56 of the NPPF.

STR/SS1: 7 Policy STR/SS1 (part 7) is not justified in requiring contributions to be made by Paddock Wood allocations to the provision of the Five Oak Green bypass. The policy should be re-worded to remove this requirement as it is not a pre-requisite for the development of Paddock Wood and is not necessary. Dandara suggest that sufficient flexibility is shown in the Council's revised Structure Plan and Policy STR/SS1 specifically mentions that internal road layout and access will be determined by the masterplanning process and negotiation with KCC Highways.

Further justification is required to ensure the proposed planning obligation(s) requested by the Council are necessary; directly relate to the development; and fairly and reasonably related in scale and kind to the proposed development in accordance with the key planning obligation tests set out under Paragraph 56 of the NPPF.

STR/SS1: 11 As currently drafted the policy is unsound as the requirement for prior extraction of mineral before development can commence would affect the delivery of key strategic infrastructure at Paddock Wood and, in turn, delay associated regeneration benefits. Dandara suggest that the policy is amended to include reference to “encouraging developers to extract minerals prior to non-mineral development taking place where this is practical, viable and environmentally feasible”.

The proposed change will make the policy more targeted and robust and justified in accordance with Paragraph 35 of the NPPF.

STR/SS1: 15 Policy STR/SS1 (part 15) should be amended to distinguish between the development of Paddock Wood and Tudeley. The reference to ‘or a version of this document as amended’ should be replaced with the reference to the document upon which the viability assessment to inform the allocation has been undertaken. Without this the policy is left unclear and unambiguous as to its intentions.

The proposed change will make the policy more targeted and robust and justified in accordance with Paragraph 35 of the NPPF. Further justification is required to ensure the proposed planning obligation(s) requested by the Council are necessary; directly relate to the development; and fairly and reasonably related in scale and kind to the proposed development in accordance with the key planning obligation tests set out under Paragraph 56 of the NPPF.

Question 7

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

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

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPF.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of ‘justified’ with the requirement now for ‘an appropriate strategy’ rather than ‘the most appropriate strategy’.

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4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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_91a-d

Comment

Agent	Andy Pearce [REDACTED]
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Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1711
Response Date	04/06/21 16:55
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI_.pdf
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Question 1	

Respondent's Name and/or Organisation Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

Question 3

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

Question 3a

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

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

[TWBC: Covering letter, Full Written Representation, Landscape Concept and Southborough Vision Document attached as Supporting Information. This representation has been input against Section 3 - Vision & Objectives, Section 4 - The Development Strategy, Policies STR/SS 1, STR/HA 1, AL/RTW 5 and STR/CRS 1 – see Comment Numbers PSLP_1685, PSLP_1688, PSLP_1689, PSLP_1697, PSLP_1703 and PSLP_1711]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

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

Question 5

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[TWBC: Covering letter/email as follows - copy also attached as Supporting Information]

CBRE is appointed by Dandara Ltd. to submit representations relating to the Regulation 19 Pre-Submission Draft version of the Tunbridge Wells Borough Local Plan.

Dandara hold specific land interests in respect of the following sites as set out in our representations:

- . STR/PW1 / STR/SS1 – Badsell Farm, Paddock Wood ('Paddock Wood');
- . STR/HA1 / AL/HA4 – Land off Copthall Avenue and Highgate Hill, Hawkhurst ('Hawkhurst');
- . STR/RTW1 / AL/RTW5 – Land at Speldhurst Road, Southborough ('Southborough');
- . AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm');
- and
- . Omission Site – Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road ('Sissinghurst');

The above sites are located within the administrative area of Tunbridge Wells Borough Council ('TWBC'). The Paddock Wood, Hawkhurst, Southborough and Spratsbrook Farm sites are all allocated in the Pre-Submission Draft Local Plan.

Separate written representations have been submitted by Barton Willmore LLP in respect to Dandara's land interests at AL/RTW 16 – Land to the west edge of Eridge Road at Spratsbrook Farm ('Spratsbrook Farm'). CBRE's written representations have been fully coordinated with Barton Willmore LLP's representations for Spratsbrook Farm.

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- . This cover letter;
- . Completed Local Plan Response Forms; and
- . Written Representations Report dated June 2021.

Dandara will continue to engage with TWBC as well as key stakeholders, to feed into and inform later stages of the plan-making process including the Examination hearings in due course.

Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

Reg.18 - Policy AL/CRS13

Land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road – Omission Site

The Site is not allocated in the Pre-Submission Local Plan. The site has been omitted from the previous Draft (Regulation 18) Local Plan (site ref. AL/CRS13 / SHELAA ref. 120) version and was formerly allocated for approximately 40 residential dwellings with the development of the site requiring a highways assessment and works, in terms of access.

5.222 The Council's previous iteration of their SHELAA (July 2019) which was prepared in support of the Draft (Regulation 18) Local Plan confirmed that the site is likely to be sustainable, due to its proximity to the Limits to Built Development (LBD) and adjoining existing built development. The assessment also noted the availability of the site and its ability to be delivered within the Plan period.

5.223 The Council's updated SHELAA (2021) includes the site (SHELAA ref. 120) (see Figure 18 below) for 40 dwellings but despite being considered available, the site was deemed unsuitable on the basis: "Site is in proximity to the Limits to Built Development and is adjoined by existing built development. The site is likely to be sustainable in this context. However, it has not been possible to demonstrate that a safe, suitable and sustainable access for both vehicles and pedestrians can be achieved. There are traffic safety issues at the junction of Mill Lane and Sissinghurst Road (A262) that are unlikely to be overcome (ref planning refusal 19/00308)".

5.224 The SA undertaken to inform the SHELAA site appraisal confirmed the "loss of greenfield land and potential boundary issues with the AONB contribute to the negative scores for Land Use and Landscape". However, Paragraph 10.15 of the Committee Report for ref. 19/00308 (dated 12 August 2020) reaches a different conclusion. On the basis the site lies outside the AONB, the Council's Landscape Officer considers the proposed development is "not considered to Council's Landscape Officer advise that it is not considered to cause significant harm to the landscape character of the area or indeed the setting of the AONB".

5.225 However, the Council's Landscape Sensitivity Assessment (July 2018) confirms that "tree cover alongside the road precludes any significant intervisibility between town and countryside".

5.226 In addition, the Council's AONB Setting Analysis Report (November 2020) confirms that the existing "hedgerow and tree belt on the southern boundary of the site lines the road, screening the site from view. The existing land use within the site is consistent with the AONB to the south, however the site is surrounded by housing on three sides and development of the site would be consistent with the emerging settlement pattern". Similarly, the Paragraph 10.17 of the Committee Report for ref. 19/00308 states: "Whilst there would clearly be some landscape harm by virtue of the introduction of the residential development, this harm would be reduced by virtue of the layout proposed and the retention of the majority of the boundary trees which would reduce views".

5.227 Overall, the Committee Report for ref. 19/00308 (Paragraph 10.38) concludes that the "wider character here is unlikely to be significantly impacted as a result of the proposed development".

5.228 Dandara note that site CRS13 was not included as part of the Council's LVIA (November 2020), a supporting evidence base document to the Pre-submission Local Plan.

5.229 Therefore, the Council's evidence base does not provide landscape sensitivity grounds to support the omission of the site as a potential housing allocation.

5.230 Dandara has undertaken architectural and feasibility work for the site. This work informed a recent planning application for site for 42 new dwellings as detailed below.

5.231 The site is suitable for residential development as concluded in the Council's previous SHELAA and has capacity to deliver 40-45 dwellings. This is deliverable whilst securing appropriate densities at the site as well as encompassing suitable "green" and "blue" infrastructure and a sensitive design response in an AONB setting.

5.232 The proposed uplift in the development of the site can contribute towards achieving a secure buffer in the Local Plan and as set out in the earlier section, we consider that an uplifted buffer (to up to 20%) should be pursued in the Local Plan accordance with Paragraph 73 of the NPPF and Footnote 39.

Planning Application 5.233 "Erection of 42 new dwellings, alongside car parking, cycle parking, drainage, internal road network and the creation of a principal access off Sissinghurst Road (A262), plus public open space, a play area and associated landscaping" which refused on 20 August 2020 (LPA ref. 19/00308/FUL).

5.234 Planning application ref. 19/00308/FUL was refused for three reasons summarised below:

1) Site access; it was not demonstrated that the scheme would achieve for safe, suitable and sustainable access for all, including appropriate visibility splays on Sissinghurst Road. The development would therefore lead to an unacceptable impact upon highway safety; 2) No completed legal agreement to secure provision of affordable housing; and 3) No completed legal agreement to secure contributions towards community facilities including education, libraries, social care, community learning, youth provision, waste provision, NHS, open space and biodiversity offsetting.

5.235 It is therefore noted that the impact of the landscape setting and AONB did not form one of the Council's reasons for refusal contrary to the findings of the SA summarised in the Council's SHELAA 2021. As confirmed in the Committee Report for application ref. 19/00308/FULL, dated 12 August 2020, the principal reason for refusal was due to highway access concerns, hence the site's omission in the Pre-Submission Local Plan.

5.236 Refused application ref. 19/00308/FUL is now subject to a live appeal which was lodged in December 2020 (PINS ref. APP/M2270/W/20/3265584) and is now registered, valid and awaiting assignment of an Inspector.

5.237 The Appellant's (Dandara's) appeal case confirms the principal matters at issue are whether the proposed site access junction with the A262 provides adequate visibility splays and is, therefore, considered to be safe.

5.238 The Committee Report for application ref. 19/00308/FULL, dated 12 August 2020, of 12 August 2020 states (Paragraph 10.10) that there "would be good connectivity and it would be possible to walk/cycle to the village centre..." and there "are a number of local services within the village which would be comfortably accessed". The Committee Report concludes that the proposal would achieve sustainable development (Paragraph 10.24) in accordance with the NPPF.

5.239 Dandara's appeal case demonstrates that proposed scheme includes suitable and safe access and is consistent with the NPPF (paragraphs 108 and 109 of the NPPF).

5.240 In respect to contributions towards affordable housing and community facilities (reasons for refusal no. 2 and 3), the Appellant's Statement of Case seeks to agree a Statement of Common Ground with the Council which will include any financial contributions required by the proposed development and such contributions will be secured through appropriate Section 106 legal agreement.

5.241 The Appellant's Affordable Housing Statement sets out a robust case for why the proposed delivery of 15 affordable dwellings on-site (36% of total housing proposed) will make an important contribution to the affordable housing needs of Tunbridge Wells and should be afforded substantial weight in the determination of this appeal.

5.242 Therefore, Dandara object to the removal of the site allocation which is unfounded. Whilst it is accepted the site was recently subject to a refused application ref. 19/00308/FUL, there is no indication from the KCC Highway response the access objection cannot be overcome and therefore, it is unreasonable to preclude this site for a housing allocation. The matters that are the subject of the appeal relate to the development management process and do not principally affect the allocation of the site.

5.243 Accordingly, Dandara suggest the Council reinstate site allocation AL/CRS13 and allocate the site for circa 40-45 new dwellings as part of 20% buffer the Council should be applying to its deliverable sites as part of maintaining supply and delivery in accordance with Paragraph 73 of the NPPF (including Footnote 39) and the PPG.

Housing Delivery 5.244 Subject to the outcome of the above planning appeal, TBC should reinstate housing allocation AL/CRS13 in the submission version of the emerging Local Plan and include the site in the Council's revised housing trajectory.

5.245 The site comprises a underutilised greenfield site, within the settlement boundary, outside the AONB and is capable of delivering 42 new homes and thus forming a valuable contribution to meeting the Council's small and medium sized sites housing requirement and constituting windfall development in accordance with Paragraph 68 of the NPPF. The Site is suitable for housing and can suitably accommodate a high quality development for circa 40-45 dwellings, the site is available; and deliverable within the first 5 years of the Plan period.

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.

5.243 Accordingly, Dandara suggest the Council reinstate site allocation AL/CRS13 and allocate the site for circa 40-45 new dwellings as part of 20% buffer the Council should be applying to its deliverable sites as part of maintaining supply and delivery in accordance with Paragraph 73 of the NPPF (including Footnote 39) and the PPG.

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Question 7a

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

Supporting Information File Ref No: SI_91a-d

Comment

Agent	Andy Pearce [REDACTED]
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Company / Organisation	Dandara Ltd
Address	[REDACTED] [REDACTED] Hemel Hempstead [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Dandara Ltd [REDACTED]
Comment ID	PSLP_1697
Response Date	04/06/21 16:55
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1685-1711(not inclusive)_CBRE(Dandara)_S'borough Concept_SI.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Letter_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_Representation_SI_.pdf PSLP_1685-1711(not inclusive)_CBRE(Dandara)_LandscapeConcept_SI.pdf
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Question 1	

Respondent's Name and/or Organisation Dandara

Question 2

Agent's Name and Organisation (if applicable) CBRE Ltd

Question 3

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Question 3a

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Policy STR/HA 1 The Strategy for Hawkhurst parish

Paragraph Numbers: 5.383 - 5.388

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Dandara will also continue to monitor the progress of the emerging Local Plan and will also look to make written representations on the next stage, Examination hearings in due course.

[TWBC: End of covering letter/email]

5.104 Site allocation AL/HA4 was included in the Council's SHELAA (January 2021). The assessment for the Site covered the 5.28ha central and eastern parcel (Site refs. 78) and the separate adjacent parcel to the north-west (Site ref. 419). The SHELAA concluded that both sites 78 and 419 are suitable as potential Local Plan allocations on the basis they are sustainable locations for development, given it is located within/mostly adjacent to the LBD and there is pedestrian access to the centre of Hawkhurst. In addition, the assessment noted that both sites are available and are both deliverable within the Plan period. Dandara support the findings of the SHELAA and proposed site allocation AL/HA4.

5.105 Pre-Submission Local Plan Policy STR/HA1: 'The Strategy for Hawkhurst parish' sets out the development strategy for Hawkhurst parish and the requirement for "circa" 161-170 net new dwellings, including affordable housing. Dandara support this policy and Set Limits to Built Development (LBD) for Hawkhurst, factoring in the amendments as a result of the proposed site allocations.

5.106 The site is allocated in the Pre-Submission Local Plan AL/HA4: 'Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate)' for 70-79 dwellings, including 40% affordable housing, and significant areas of publicly **accessible open space**. **A Policy Plan is included at Figure 9 below.**

Planning Applications

5.107 Dandara has undertaken architectural and feasibility work for the identified western/central development parcel for the site.

5.108 Dandara submitted a full application (LPA ref. 18/01063/FUL) in March 2018 for the redevelopment of the majority of site allocation AL/HA4 (see application site location plan in Figure 10 below) for a total 49 residential unit scheme. This application was refused in April 2019 despite an Officer recommendation for approval. The scheme was refused by Members at committee for one sole reason based on the design of the access via Copthall Avenue despite KCC Highways Authority agreement that the proposed access was acceptable.

5.109 An appeal was subsequently submitted but was since withdrawn on 23 September 2020 in light of a fresh application for the entirety of the site allocation was sought.

Latest Application5.110 An EIA Screening Opinion request (LPA ref. 20/03901/ENVSCR) was made on 23 September 2020 for a 71 unit residential scheme. The Council's EIA Screening Opinion decision dated 12 March 2021 confirmed the development did not constitute EIA Development and therefore an Environmental Impact Assessment was not required in support of a planning application.

5.111 Dandara submitted a new full application (LPA ref. 20/02788/FULL) on 23 September 2020 for the larger land parcel, containing the entirety of the Draft Allocation AL/HA4 (see A site location plan extract is provided in Figure 11 below) for a 71 residential unit scheme: "Development of the site to provide 71 dwellings, alongside car parking, cycle parking, sustainable drainage, internal road network, public open space and associated landscaping and including the demolition of existing agricultural barn and garage and alterations to the existing access from Highgate Hill".

5.112 The application removed the previous proposed site access from Copthall Avenue which was not supported by KCC Highways.

5.113 The application was subsequently refused (against Officer recommendation for approval) at TWBC Planning Committee on 12 May 2021 despite Officer recommendation for approval. The reasons for refusal on the decision notice dated 19 May 2021 are as follows: 1. AONB: the proposal would not conserve and enhance the landscape or scenic beauty of the AONB, and exceptional circumstances have not been sufficiently demonstrated to demonstrate the proposals outweigh the adverse impacts and are in the public interest. 2. Impact on highway network: development would result in a quantum of traffic that would have a significant adverse effect on capacity and congestion of the crossroads in Hawkhurst and the wider transport network.

5.114 Considering the principle of Development and taking each reason for refusal below, Dandara refute the reasons for refusal.

Principle of Development5.115 The Council's Committee Report for ref. 20/02788/FULL confirms that the majority of the site lies outside the LBD, wherein the adopted Local Plan directs new residential development in sustainable locations, within the LBD of existing settlements. However, it is recognised that the Council cannot currently demonstrate a 5-year housing land supply (4.83 years) which forms an important material consideration in applying the presumption in favour of sustainable development and determining applications without delay in accordance with Paragraph 11 of the NPPF.

5.116 Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the NPPF is engaged. This states that in the absence of any relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: "i. the application of policies in this Framework (listed in footnote 6) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole**".

5.117 Footnote 7 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in Paragraph 73. Footnote 6 states these policies include AONBs, irreplaceable habitats and heritage assets.

1. Impact on the High Weald AONB5.118 The site (formerly Policy AL/HA6 now Policy AL/HA4) was included as part of the Council's Landscape and Visual Impact Assessment (LVIA) (November 2020), a supporting evidence base document to the Pre-Submission Local Plan. The site was identified as being small scale and comprising semi-enclosed landscape, with features and characteristics that are typical of the High Weald AONB. It was recommended that any proposed development should be concentrated to the north and west of the site and it was concluded that "a sensitive and well designed housing development would be acceptable in this location, providing that it creates a positive edge to settlement and respects the separation between Highgate and The Moor".

5.119 Moreover, under the heading 'potential to avoid or reduce adverse effects' within the Council's LVIA for site HA 6, the Council's LVIA identifies the following five practical measures that identify how effects on the AONB can be reduced and moderated: 1. The inclusion of the eastern and southern parts of the site within open space would protect existing landscape features and would limit the potential for new development to affect the character of the wider rural landscape. 2. The open space has the potential to include the enhancement of existing features and new complementary habitats, which could link existing habitats within and around the site. The space would maintain the rural edge to the site and the retention of existing trees and woodland would filter and screen views of the proposed

development.3. The inclusion of an appropriate new landscape buffer to the western site boundary would assist in protecting the significance of adjacent heritage assets.4. The proposed allocation would be consistent with the existing settlement pattern to the south of Hawkhurst. It would provide opportunities to create new recreational routes and facilities for existing and new residents.5. The introduction of a long term management plan for the site would maintain the quality and condition of the AONB landscape within the site.

5.120 Overall, the LVIA concluded that site has a medium potential for harm to the AONB if developed and medium – low potential for harm to the AONB if recommendations within the report are met. Dandara support the findings and recommendations of the LVIA and consider this to be a detailed and robust assessment.

5.121 The LVIA (August 2020) submitted as part of application ref. 20/02788/FULL confirms that the proposed development approach is sensitive to the local landscape character and visual impact through the incorporation of suitable primary mitigation measures, including using a low density, informal layout which builds on the characteristics of local farmstead typologies, and retaining large areas of open space and woodland to the south and east, creating a 'soft', informal edge to Hawkhurst, which is visually contained within its existing and strengthened woodland setting. This approach would link habitats, create landscape buffers to heritage assets, and would be consistent with the existing settlement pattern, with minimal impact on the separation of Hawkhurst from the Moor. This sensitive approach would be managed in perpetuity through a long term management plan, to be agreed with the Council.

5.122 As a result, the LVIA concludes the proposed development will result in "very limited harm", and the "character and value of the AONB are protected and the proposed development will assimilate successfully into its context". After a 15 year establishment period, the residual effects are minimal and there will be no significant effects to the AONB or Local Landscape Character.

5.123 As contained in the Council's Committee Report, the TWBC Landscape and Biodiversity Officer supported the findings of the Applicant's LVIA for the site which concludes a "Medium-High value" and "Medium-High sensitivity" with "Medium magnitude of change resulting in a Moderate adverse effect". Whilst these effects will lessen overtime it was further concluded that the landscape the effect of development on a greenfield site is predicted to remain "Moderate" overall. The Council's Landscape and Biodiversity Officer (Paragraph 181) states: "I do not disagree with the final conclusion although the initial harm may be higher and the mitigation more effective than suggested such that the final result is the same. Whilst noting that such a level of harm is almost inevitable for a greenfield site in a similarly sensitive landscape it must be remembered that this is still an impact on the AONB and must be given great weight".

5.124 The TWBC Landscape and Biodiversity Officer and Planning Environmental Officer both were fully supportive of the proposed scheme and raised no objection and it was confirmed that the "Council considers this would provide a benchmark for other developments who wish to develop in the High Weald AONB in the future" (Paragraph 10.66 of the Council's Committee Report for ref. 20/02788/FULL).

5.125 This statement leaves a very clear impression of the quality of the design approach to the site, and its long term potential in enhancing the quality of development locally.

5.126 Furthermore, Paragraph 10.66 of Council's Committee Report for ref. 20/02788/FULL states: "overall there is likely to be significant localised harm to the AONB but this can be reduced through a sensitive approach, detailed design and securing long term management of the landscape areas. The AONB and landscape harm would be as a result of the introduction of additional residential dwellings into an open Greenfield area. The proposal offers opportunities to improve some aspects of the site in terms of landscape character and appearance as well as ecological enhancements".

5.127 It is further concluded at Paragraphs 10.90-10.91 of the Council's Committee Report that: "The overall conclusion when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the 5 year housing land supply, is that the proposal will have a moderate positive impact overall.

As such, it is considered that principally due to the housing delivery benefits outweighing the identified harm to the landscape and environment, there are exceptional circumstances where the development is in the public interest in this instance to depart from the NPPF presumption against major development in the AONB".

5.128 The proposed development would conserve the landscape and scenic beauty of the AONB and the proposed landscape scheme mitigation is sufficient to mitigate against any impact. The proposed development includes robust local exceptional circumstances case which would outweigh the adverse impacts of the development and that delivery of 71 much need homes is in the public interest given the Council's housing shortage in accordance with Paragraph 172 of the NPPF, the provisions of the PPG, Policy EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Core Strategy 2010, Policy LP2 of the Hawkhurst Neighbourhood Plan and aligns with the Council's own policy evidence base.

2. Highways Impact 5.129 In respect to the site location and whether the proposed development constitutes sustainable development, Paragraphs 10.29 and 10.90 of the Council's Committee Report (dated 12 May 2021) confirms the development would satisfy the social and economic objectives and despite having some environmental impact as set out above, on balance the proposed development is considered to support sustainable development and contribute to the Council's 5YHLS in accordance with paragraph 175 of the NPPF.

5.130 In regards to highway impact, the Council's Committee Report (Paragraph 10.114) concludes that the Council and KCC Highways (as Highway Authority and technical experts), that despite the proposed scheme having an adverse impact upon the highway network and on overall planning balance, the scale of development and associated trip generation will not have a "severe impact" and TWBC were supportive of the scheme.

5.131 In light of the above, if the proposed development is found to constitute sustainable development, provides sufficient, safe and suitable access and would not result in unacceptable impact on highway safety the application should not be refused in accordance with Paragraphs 108 and 109 of the NPPF.

5.132 Therefore, Dandara argue that the proposed development would not have a significant adverse impact on the highway network and includes safe and suitable access on accordance with Paragraphs 108 and 109 of the NPPF, the provisions of the PPG, Core Strategy Policy 3 and Policy AM1 of the Hawkhurst Neighbourhood Plan.

Summary 5.133 Dandara therefore refute the Council's reasons for refusal for planning application ref. 20/02788/FULL which was refused despite Officer recommendation for approval including the Council's Landscape and Biodiversity Officer and Planning Environmental Officer.

5.134 Dandara are currently considering their options for appeal.

5.135 Fundamentally, in the context of these local plan representations, the suggested reasons for refusal do not affect the principle of developing/allocating the site and are matters that are associated with the development management process. On the basis of the evidence that has been collated for the site and has been independently prepared by TWBC the proposed allocation of the site for residential development remains sound.

Draft Site Allocation AL/HA4 5.136 The site is allocated in the Pre-Submission Local Plan AL/HA4: 'Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate)' for 70-79 dwellings, including 40% affordable housing, and significant areas of publicly accessible open space. Dandara broadly support this allocation.

5.137 That said, Dandara have made some specific comments below in respect to specific requirements of site allocation Policy AL/HA4:

Quantum of Development 5.138 Dandara support Policy AL/HA4 and the allocation of the Hawkhurst site for comprehensive development. The Site is capable of accommodating at least 71 residential units as part of high-quality scheme as per refused application ref. 20/02788/FULL. Dandara have undertaken an array of technical/background work which formed part of the previous applications and consider the site to have potential to accommodate additional dwellings and therefore support the proposed quantum of 70-79 dwellings as set out under draft allocation Policy AL/HA4 in the interest of securing the efficient and effective use of the Land at Copthall Avenue and Highgate Hill, Hawkhurst (Highgate) in line with Paragraph 122 of the NPPF.

5.139 However, Dandara suggest the word "circa" is added so revised site allocation Policy AL/HA4 reads "circa 70-79 dwellings" in the interest of completeness, consistency with other site allocation policies and in order for the new Plan and its policies to be found sound in accordance with paragraph 35 of the NPPF.

Land Uses / Layout 5.140 Part 5 of Policy AL/HA4 identifies specific areas of the site for residential use. Dandara support this requirement. It is noted that refused scheme ref. 20/02788/FULL, was consistent with this requirement and proposed residential on the western and central development parcel areas and open space / landscape buffer on the eastern land parcel.

5.141 Part 7 of Policy AL/HA4 requires the layout and design of the scheme to factor in the location of the site on the edge of the settlement and the setting of listed buildings, and to provide a scheme that is sensitively designed and provides a suitable edge to the settlement. Dandara support this policy requirement in the interest of achieving a high design quality and in the interests of good place making.

5.142 Dandara further note that the refused scheme provided as a suitable edge to the settlement as concluded in the Council's Committee Report (Paragraph 10.80): "The sensitive design of the development, particularly in its exploration of using a high quality agricultural courtyard / barn typology which acts as the new settlement edge and interface with the AONB beyond the site".

Highways 5.143 Part 2 of Policy AL/HA4 seeks the provision of the main vehicular access into the site to be from Highgate Hill. Dandara support this main vehicular access requirement and highlight that main vehicular access was proposed from Highgate Hill as part of refused application ref. 20/02788/FULL which was supported by the Council and KCC Highways.

Trees / Ancient Woodland 5.144 Part 8 of Policy AL/HA4 requires proposals to assess and respond to, ancient woodland and TPOs on-site through the development layout and design to be informed by an ecological survey. Dandara support this policy requirement.

5.145 Dandara further note that in respect to the refused scheme ref. 20/02788/FULL, no objection was raised by the Council's Tree Officer. Paragraph 10.45 of the Council's Committee Report for ref. 20/02788/FULL concludes that: "(...) whilst there are some impacts upon trees and landscaping, this is not considered to be significant or to a level which would warrant refusal of consent".

5.146 Similarly, no objection was raised from the Council's Landscape and Biodiversity Officer in respect to the conclusions and proposed mitigation set out in the accompanying detailed ecological assessment.

Open Space / Play Space / Green Infrastructure 5.147 Dandara support Part 9 of Policy AL/HA4 which requires the provision of on-site amenity/natural green space and children's and youth place space. Dandara are committed to delivering a high quality residential scheme including the provision of appropriate play space and natural greenspace in the interests of good placemaking in accordance with the PPG.

Housing Delivery 5.148 The Council's Housing Supply and Trajectory Topic Paper for Pre-Submission Local Plan (February 2021) confirms that site allocation AL/HA4 is included in the Council's trajectory for the short term delivery of 75 new homes (mid-range) in two tranches: 44 homes in 2023/24 and 31 homes in 2024/25.

5.149 Dandara support the planned growth for the site and then proposed quantum range of 70-79 homes is appropriate. Dandara however do not support the trajectory for the site on the basis, new homes could be delivered sooner in the first five years of the Plan period i.e. from 2021/22 as the site is available now; and there are no site constraints to development. Dandara suggest 2 year delivery period is reasonable given the size of the site.

5.150 The site is therefore available now, is suitable for residential development and deliverable now in the short term i.e. first 5 years of the new Plan Period (2020/21 – 2024/25). The Council's trajectory should be amended accordingly.

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.

Site Allocation AL/HA4 Proposed Amendment 5.151 Dandara broadly support site allocation Policy AL/HA4, however require an amendment to the allocation to reflect the proposed access as part of refused scheme ref. 20/02788/FULL.

5.152 Draft site allocation Policy AL/HA4 (part 3) includes a requirement for a new pedestrian link to Copthall Avenue. The proposed scheme for ref. 20/02788/FULL included this requirement to reflect the proposals at the time which sought demolition of an existing property, replacement with another and creation of the new pedestrian link. However, the Applicant subsequently removed this and proposed an alternative pedestrian link from the public open space to Fieldways which was agreed as acceptable with KCC and TWBC Officers.

5.153 Dandara suggest the location of future pedestrian access is less prescriptive to reflect the multiple access options either to Copthall Avenue or Fieldways in the interests of allowing sufficient flexibility, not pre-determining a masterplan process and not compromising future site delivery. Dandara recognise there would always be a pedestrian and vehicular route onto Highgate Hill. Part 3 of Policy AL/HA4 should be reworded to include the option of securing emergency vehicle and pedestrian access to be provided "either to Copthall Avenue, Highgate Hill and/or Fieldways".

5.154 For the reasons set out above and in the interest of ensuring robust and sound policies / site allocations, Dandara suggest the Council amend site allocation Policy AL/HA4 in accordance with Paragraph 35 of the NPPF.

Question 7

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

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

Dandara wish to participate in the hearing session to discuss their representations and to provide further evidence to assist the Inspector where necessary in the interests of ensuring the emerging Local Plan, its strategic allocation policies and all other strategic and development management policies can be found to be sound and meet all the specific soundness tests set out at Paragraph 35 of the NPPF.

Question 8

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

4.9 The Council's supporting Sustainability Appraisal (SA) sets out the preferred growth strategy of securing a planned strategic extension at Paddock Wood based on garden village principles, supplemented by the creation of a new garden village at Tudeley Village and promotion of new growth at existing settlements.

4.10 The production of the SA is a key evidenced based document in understanding whether or not the approach to the spatial strategy is sound. The NPPF (2019) introduced a subtle but important change to the definition of 'justified' with the requirement now for 'an appropriate strategy' rather than 'the most appropriate strategy'.

4.11 The SA (February 2021) includes the assessment of 8 alternative options for the spatial strategy. In presenting a robust approach the SA (February 2021) correctly considers the implications for the spatial strategy in including Paddock Wood in some options and excluding it from others.

4.12 Paragraph 6.2.13 of the SA (February 2021) succinctly summarises the consequences for sustainable development if an alternative spatial strategy was pursued which sought to focus growth exclusively in the main town and main town and villages. In the assessment it is noted that the exclusion of Paddock Wood (and in turn the additional pressure that this would place on other areas to accommodate growth) would have a detrimental impact upon 8 of the SA objectives including: objectives of business growth, climate change, deprivation, employment, health, services, travel and water. The assessment work undertaken provides a sound basis to inform the proposed spatial strategy with the approach representing an appropriate strategy (as required by the NPPF).

4.13 At the more detailed policy level, the SA provides a rigorous and robust testing of the 11 Local Plan strategic objectives against the 19 SA objectives and confirms there are no sustainability objectives that are more incompatible than compatible with the Local Plan objectives.

4.14 The SA explains the Council's assessment of their growth strategy options as set out in the Issues and Options stage SA (2017).

4.15 The Council's site assessment review includes assessment of potential development sites and reasonable alternative sites. Dandara support the scoring for Land to the north of Badsell Road, Five Oak Green, Paddock Wood (Site ref. 142) as part of strategic allocation STR/SS1 and TN12 Land off Copthall Avenue and Highgate Hill, Hawkhurst (Site ref. 78); and Land at Speldhurst Road, Southborough (Site ref. 100). Dandara consider the review of these development sites to be accurate, robust and informed by proportional evidence in accordance with Paragraph 35(b) of the NPPF.

4.16 However, Dandara disagree with the findings of the reasonable alternatives site assessment, land east of Camden Lodge, adjacent to Mill Lane and Sissinghurst Road (Site ref. 120). This is discussed further on in this submission, however, this site was a largely neutral scoring site and comprises a small greenfield site within the settlement boundary and not located in the AONB and is proposed for medium scale residential redevelopment.

4.17 Dandara support the Council's SA subject to the above comments on the Council's strategic objectives, consider it to be robust and satisfies the relevant legal requirements including SEA in accordance with Paragraph 32 of the NPPF.

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 Daters [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mark Daters [REDACTED]
Comment ID	PSLP_10
Response Date	26/03/21 18:41
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Mark Daters
Question 3	
To which part of the Local Plan does this 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 5.199 (page 153) to 5.299 plus supporting plans , policies and maps (pages 153 to 165).

Policy Map Inset Maps 33, 34

Policy STR/SS 3

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

Question 5

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

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

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

The Site is nearer Tonbridge than Tunbridge Wells, particularly to the west of the Site which is a different local authority.

Purposes of Green Belt land include "to prevent neighbouring towns from merging into one another (Tonbridge to Paddock Wood based on the proposed development) and "to assist in safeguarding the countryside from encroachment" (surrounding Tudeley and Capel). The proposed development does not consider these purposes.

Such a large scale and concentrated Green Belt development does not consider a further Green Belt purpose to "assist in urban regeneration, by encouraging the recycling of derelict and other urban land. TWBCs original Plan identified multiple Sites spread across the Borough including urban Sites which are far more likely to not impact Green Belt land or impact on a marginal basis spread over multiple Sites.

Whilst the proposed development is within TWBC authority, it is the infrastructure and services including the station and supermarkets in Tonbridge which will be used by the new residents as this will be the local town. Tonbridge High Street is already congested seven days a week demonstrating it is already at maximum traffic capacity. It cannot manage any more. The existing Tonbridge roads cannot be widened or developed to improve traffic flow which is why congestion has increased annually over many years. There appears to be no plan in the Consultation Draft for a new station in Tudeley so residents who commute will use Tonbridge station which also allows a more frequent train service from the other train line serving Tunbridge Wells. Tonbridge will be the favoured commuter station over Paddock Wood or Tunbridge Wells each serviced by one train line compared with two at Tonbridge and a longer train journey costing more.

The closest Grammar Schools are in Tonbridge; Weald of Kent, Tonbridge Girls Grammar and The Judd.

The costs of infrastructure on the Tonbridge & Malling side of the local authority boundary will fall to Tonbridge & Malling residents whilst Tunbridge Wells will receive council tax from the residents in the new dwellings.

If the B2017 from Tudeley to Woodgate Way at the border of Tonbridge were to be improved as part of the proposed development it would not solve any traffic issue but simply move traffic faster to Woodgate Way but result in the same congestion into Tonbridge.

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.

There should be land separating Tonbridge and Tudeley.

I understand the Medway floodplain covers parts of the proposed development. Concreting over fields will increase the potential flood risk and widen the floodplain. The increased potential for flooding will affect part of the proposed development or move the flooding further down the River Medway to areas such as Yalding. Climate change will increase the risks further in the future.

I believe TWBC can challenge the Government housing targets locally since development of Green Belt land can only be made in "exceptional circumstances" which do not appear to have been met for many sites. I would like to see TWBC use this argument to remove the garden settlement at Tudeley from this plan.

I cannot see any benefits fits of this proposed development. It appears TWBC are opting for convenience in response to one landowner rather than seeking numerous smaller developments spread across TWBC requiring less significant infrastructure changes. Tonbridge and TMBC rather than Tunbridge Wells and TWBC will bore the brunt of the resulting insufficient infrastructure, pollution from one concentrated and significant development in one location and permanently remove pleasant and healthy countryside and agricultural land.

Therefore, based on the numerous reasons outlines above the plan is unsustainable.

Question 7

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

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

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

Question 7a

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

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

N/A

Future Notifications

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

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

Comment

Consultee	Alex Dave [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Alex Dave [REDACTED]
Comment ID	PSLP_1341
Response Date	04/06/21 15:45
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	Alex Dave
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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.

STR/SS 3

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

Question 6

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

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

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

Please find this as a response to the local draft plan, and in particular, the plans for Tudeley Garden Settlement (STR/SS 3).

As a resident of Tudeley for over 5 years myself and my family are objecting to the proposal of this "Garden Village". TWBC has 20 wards, you are proposing that you wish to put 50% of it into just a single ward, that being Capel. This inhibits the development of housing, infrastructure and amenities elsewhere on the borough.

You also propose that in East Capel you wish to add 2060 more dwellings where there are already 918 dwellings and a staggering 2800 in Tudeley itself. This is extraordinarily disproportionate to the size of the area and is placing a huge amount of greenbelt land in danger. The PM in 2016 has stated that Greenbelt land would not be placed at risk. It appears that you have disregarded that statement. We would stand to lose 600 acres of Greenbelt land to new housing as well as a further 200 acres quarried via the Kent mineral plan.

As it currently stands there are 2452 people living in Capel if this plan is adopted the population, then the estimates are this population will grow to in excess of 13700+. Most will be using private cars, which in turn will be detrimental to the air quality as well as cause major traffic congestion of which there is already issues due to the 200 plus pupils at Capel school and also the traffic to Somerhill School. Not to mention the huge carbon footprint this will create. Add to this the proposal that a new secondary school next to Capel Primary will add a further 2000 pupils (KCC Guidance). There is nowhere near enough consideration and arrangements within the plan regarding the impact on highways. I urge and invite any planner to visit our house during peak hours on Crockhurst Street and see the current level of congestion during term time. You will soon see that the proposals within the plan will be insufficient to cope with the huge numbers of extra vehicles. We appreciate that the direction of travel is to reduce private vehicle use, but this is not achievable in the short-term future and so the impact on traffic and air pollution has been significantly underestimated.

The Local plan proposes that 15 years + of large construction sites active in Capel with enormous infrastructure issues. The impact of this on the mental health of existing residents should not be downplayed. I fear it would make it impossible to continue living in the village.

Within the plan it states:

"The development provides an opportunity for a new railway station to be delivered on the site to provide rail linkages to London on the Ashford/Dover line (linking to Tonbridge and Paddock Wood). The delivery of a station is not anticipated during the plan period, and provision of a station has not been included in the Council's considerations of this site through the Sustainability Appraisal, or in terms of planning merits or infrastructure requirements. However, the Masterplan makes provision for a station to be accommodated in the future, if this can be realised."

Why has this been included when I believe Network Rail have stated a new station is not possible? This is pie in the sky and included to try and soften the infrastructure blow, but there is no evidence it can ever be realised.

Incredibly the development at East Capel is entirely on a flood plain. Tudeley also has high risk flood areas. Mitigation may fail or move more water downstream to East Peckham, Yalding, Golden Green, Tonbridge and beyond. I am sure you will have photos shared with you of the flooding of the exact areas where this development is planned for.

TWBC is made up of 48 Councillors. Only 1 of these represents Capel. TWBC has received over 1000 comments objecting to the Local Plan's impact on Capel which is way more than any other area. Yet it appears that in 2019 hundreds more dwellings were added to Capel in the revised plan in 2020 with no recognition of the concerns listed in the new documents. This shows an incredibly inept ability to engage with the community. There has been an absolute lack of genuine engagement and respect for current residents throughout this ordeal.

It also shows that despite there being a Reg 18 consultation nothing was done to highlight any of the above concerns. This makes a mockery of the entire process. 97% opposed the plan, there were 1174 comments from 804 people. The only action taken was to (as mentioned above) add more unrealistic goals of increased housing.

I find it quite incredible that 51% of the new housing from the Local Plan is being placed into an area where only 2% of the TWBC population live! It is disproportionate and it should also not be ignored that a lot of the strain (on infrastructure and services) from this development would be on neighbouring Tonbridge and Malling rather than TWBC- a coincidence? We think not.

There was a clear lack of prioritisation given to looking at alternative Brownfield sites. Given that there are vacant offices in Tunbridge Wells such as the AXA building and no real analysis of Castle Hill or Blantyre. Why? It seems that TWBC are taking the easy option by trying to meet their housing targets in one area and decimating this existing area to save the rest of the wards. Due diligence should be completed to further examine these numerous brownfield sites dotted around all wards.

You have been accused by one of your own councillors of a lack of transparency and scrutiny. You are all complicit in your lack of activity and lack of scrutiny about what this plan means for the populations of Capel and also those in surrounding areas. TWBC council leader has even said directly to Save Capel, the group trusted to be the voice of the residents "You will never win!" We have lost any faith in the leadership in our council- a very sad state of affairs when you are elected to represent your residents.

This plan should not be allowed to go ahead. The fallout will be catastrophic for current residents in and around Capel.

Question 7

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

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

Yes, I wish to participate in hearing session(s)

Future Notifications

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

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

Comment

Consultee	Charles Davenport [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Charles Davenport [REDACTED]
Comment ID	PSLP_860
Response Date	01/06/21 20:20
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	Charles Davenport
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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.

STR/SS3 Regulation 19 - Tudeley Village

Question 4

Do you consider that the Local Plan:

Is sound	No
----------	----

Complies with the Duty to Cooperate	No
-------------------------------------	----

Question 4a

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

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

Question 5

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

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

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

The plan to build a new town at Tudeley Village does not provide accurate data on where the residents for the 2800 houses will come from nor where they will work or travel to. There is no provision for additional public transport links nor other amenities such as supermarkets. The plan uses out of date data regarding the likely demands of use on the local road network. The policy does not take into consideration in sufficient detail regarding the problems which will arise from traffic and public transport to the nearby transport hubs such as Tonbridge Railway station and its parking facilities and the Sainsburys/Iceland in Tonbridge which will likely attract most of the demands of the new village. Tudeley road does not have the capacity to handle the current traffic demand in the mornings let alone when there are a potential 5600 extra road users heading towards the Station at Tonbridge and towards the A21.

5.217 - There is no explanation on how the new settlement will be self containing nor how safe cycling and walking access will be provided to Tonbridge and Tunbridge Wells.

Question 6

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

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

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

The policy STR/SS3 needs to provide an explanation of where the residents for the 2800 houses will come from and where the likely areas of employment will be located. The policy needs to provide a detailed traffic and transport impact 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)? Yes, I wish to participate in hearing session(s)

Future Notifications

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

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

Comment

Consultee	Kathleen Davey [REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Kathleen Davey [REDACTED]
Comment ID	PSLP_41
Response Date	19/04/21 13:48
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Letter
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Kathleen Davey
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

Policy STR/SS 3: The Strategy for Tudeley Village

Question 4a

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

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

Question 5

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

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I, as a resident here have been asked to provide additional comments to the above. I therefore enclose my feelings as at this time and indeed over the past 2-3 years when this dreadful situation was suggested by you and Council members including the Housing Minister in the Government.

We as residents in the Parish have been unable to live our lives under this heavy cloud of indecision which has surrounded us and, if fact, has blighted our existence.

It actually pains me to have to reiterate what I have already voiced upon ears who have no intention of even listening.

As a home owner and Resident of Tudeley at the above, I at now 87 years of age have resided in peace for over 35 years in beautiful surroundings. How, you wish to deprive me and many residents of this neighbourhood of this peace and subject us to our final years surrounded by a vast area of bricks and mortar disguised in the biggest disaster you are about to plunge us into. You will totally regret your decision if this comes into fruition and which I can only pray, does not.

Money and prestige for some is the main object and financial gain for certain individuals and those involved should be ashamed to put forward this horrendous scheme which will ruin our beautiful landscape for ever.

I am sure if it is your intention to provide homes, Kent possesses plenty of land which could be exploited and which, therefore, would cause less havock to many of us residing here in Tudeley.

My final wish is that this Plan is scrapped and indeed FORGOTTEN for ever.

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

Agent	Ian Anderson ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Lichfields
Address	The Minster Building 21 Mincing Lane London EC3R 7AG
Consultee	([REDACTED])
Company / Organisation	David Lloyd Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	David Lloyd Leisure Ltd (- [REDACTED])
Comment ID	PSLP_2144
Response Date	03/06/21 07:26
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (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	David Lloyd Leisure Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Lichfields
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells

Question 4a

If 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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DAVID LLOYD LEISURE LTD REPRESENTATIONS. TUNBRIDGE WELLS LOCAL PLAN (PRE SUBMISSION VERSION).

We are instructed by our client, David Lloyd Leisure Ltd (David Lloyd), to submit general representations following the publication of the Tunbridge Wells Reg19 (Pre- Submission) Local Plan.

We appreciate that the advanced stage of the publication document supports representations only in those areas where consideration is given to whether the Plan is sound, legally compliant or otherwise on the Council's approach to the duty to co-operate. However, following a business review, David Lloyd has a requirement within the Tunbridge Wells area. This requirement was post publication of the Reg.18 Plan.

The Borough Council has published the Pre-Submission version of its Local Plan (also known as the Regulation 19 version) which is intended to set out proposed planning policies to guide development in the Borough up to 2038. Within the context of a long-term vision and related objectives, it comprises overarching strategic policies, including a new development strategy, supported by both place-specific local strategies and site allocations, and specific policies on a range of topics, including those relation to the provision of leisure and other 'Class E' development.

The evidence base supports modest additional development for health and fitness facilities in the Borough: notably through additional swimming facilities, and David Lloyd would welcome early engagement with the Council to achieve this.

The deadline for making representations is the 4th June: these representations are submitted within that timeframe.

Background

David Lloyd is Europe's premier health, racquets and fitness provider.

David Lloyd has operated for over 30 years and owns some 99 David Lloyd clubs in the UK (including 3 Harbour Clubs) and a further 23 across Europe and the Republic of Ireland. David Lloyd has ambitious growth plans both in the UK and Europe.

The business has some 600,000 members and is a significant employer in the health and fitness market, employing over 8,000 people. These include an expert health and fitness team of over 2,000 professionals and more than 680 tennis coaches. David Lloyd Clubs had been awarded a Sunday

Times Top 25 Best Big Companies award for the past four years, most recently making it to number 16 in 2020.

David Lloyd's racquets' facilities are unrivalled in the UK, with some 1000 tennis courts, 400 badminton courts and squash courts.

In addition to the racquets' facilities, across all clubs, David Lloyd has over 150 swimming pools and the company offers more than 10,000 exercise classes every week.

David Lloyd also provides significant coaching programs for children, both as part of the normal operation of its clubs and as 'outreach' to local schools, colleges and other amateur organisations. It is estimated that every week some 25,000 children swim and some 16,000 receive tennis coaching at David Lloyd clubs.

In addition to the core activities of racquets and health and fitness, a number of clubs also benefit from health and beauty spas, lounges, food and beverage, crèches, nurseries and specialist sports shops.

The COVID-19 pandemic has brought into sharp focus the need for both fitness and mental resilience and David Lloyd are at the forefront of development both in fitness innovation across its clubs, and mindful-wellness through its classes and spas.

Property Aspirations and Requirements

In both the UK and Europe sophisticated analysis and consumer data assists David Lloyd in identifying where the demographic sweet spot is in any given location.

David Lloyd has identified 50 locations across the UK, including the Tunbridge Wells area, that have a demographic profile that compares to the existing membership base and where there is an under provision of premium health and fitness facilities. This exercise enables David Lloyd to search in very targeted locations for suitable development sites.

Employment

David Lloyd's largest format of club generates circa 80 full time equivalent jobs.

The club targets local employment opportunities in the appointment of full time, part time and self-employed staff. In the majority of cases therefore, employment is sourced locally, targeting local job markets to fulfil the needs and function of the club. Additional services, including cleaning contractors, deliveries for the restaurant and maintenance requirements are, again, sourced locally where possible.

Development Site Opportunities: Tunbridge Wells.

In terms of the retail and leisure needs of the borough, we note that the Retail and Leisure Study (2017) undertaken by the Council has assessed the quantitative and qualitative needs over the plan period, taking account of planned housing growth, as well as the 'health' of the key centres within the borough. The study also sets out the leisure requirements for the borough in broad terms and acknowledges the importance of cultural and leisure activities in supporting the mix of uses within the borough to ensure vibrant and resilient centres.

In helping meet established leisure needs, we note Policy STW/RTW(5) promotes leisure uses within Key Employment Areas, whilst STR/RTW2 Promotes retention and enhancement of Leisure uses in Royal Tunbridge Wells town centre.

The Study notes that there is some leakage outside the Borough from some sectors, and that the largest expressed desire from resident questionnaires was for additional pool / swimming facilities. Taking this as a lead, the Study notes modest capacity for additional health and fitness within the Borough and notes that the market will likely be able to facilitate the development of any such facilities in appropriate locations through the development management process, rather than necessarily requiring specific allocations. This is a view which we would support and will allow some flexibility in terms of the application of format and location.

It is pertinent that much of the evidence base supporting this additional growth in the Borough is 2015-2017. The UK health and fitness market continues to grow, with trends continuing towards a more health conscious society, which has seen a boom in mental wellness and holistic classes including yoga, Pilates and mindfulness.

This social sustainable agenda is strongly supported within Sport England's 'Planning for Sport' Guidance, which focuses on 12 principles in seeking to help the planning system provide opportunities

for all to take part in sport and physical activity. The guidance builds on the importance the Government, and its National Planning Policy Framework, places on the need for the planning system to enable and support healthy lifestyles.

Principle 8 states planning policies and Councils should support the new provision, including allocating new sites, for sport and physical activity which meets identified needs. The guidance further adds the planning system should be proactive in delivering new sport and physical activity provision which implements the recommendations and actions of relevant assessments of need. Where relevant, this should include allocating deliverable sites for new provision for sport and physical activity planning policy documents (for example site allocations documents and neighbourhood plans).

At this stage David Lloyd have not secured a specific site in Tunbridge Wells but have been reviewing various opportunities and will be engaging shortly with the Council with a view to advancing proposals within the Borough to help meet further enhancement of heath, fitness and wellbeing provision.

We look forward to hearing from you with confirmation that this written representation has been received and its contents noted, although clearly this is set within the context of David Lloyd not having made representations to earlier versions of 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)?

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	Eryl Davies [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Eryl Davies [REDACTED]
Comment ID	PSLP_923
Response Date	01/06/21 14:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Eryl Davies
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

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

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

Question 5

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

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

I have sent a separate email consisting of a screen shot of an email I sent you nearly 2 years ago. Nothing has changed my mind about the proposed developments. It is actually WORSE now since you intend to prevent residents from east Paddock Wood and East Peckham from crossing the railway bridge on Maidstone Road. This means we either pay and park at the Train Station car park or do an extremely long diversion via Badsell Road. Have you visited the junction by Mascalls School recently, since the latest new housing estate was built? The congestion at the traffic light is HORRENDOUS at peak times. You intend to ADD to this by diverting all the above mentioned traffic via this T-junction. It beggars belief!

[TWBC: Email of 05/11/19 reads:]

Even though I am not a resident of Tunbridge Wells Borough I have worked in and around Paddock Wood for 37 years.

It is bad enough having to put up with new developments in the area around Paddock Wood, but having seen the proposed plans for reducing the Green Belt area between Paddock Wood and Tonbridge I am appalled by the idea of unnecessarily building new homes in this beautiful area of the Weald.

The build up of morning traffic during school term is appalling on the road between Five Oak Green (note the colour in the placename) and Tonbridge already.

Also the peace and serenity of Tudeley Church (with its beautiful Mark Chagall windows) would be lost for ever if a housing estate were to appear in the field behind it.

Please reconsider your plans for the future

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	Granville Davies [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Granville Davies [REDACTED]
Comment ID	PSLP_87
Response Date	04/05/21 18:06
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Granville Davies
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/HO 3: land to the east of Horsmonden

Question 4a

If 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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AL/HO3 The surface water drainage from this site is proposed to go via an existing gully and sewer in front of and beside 6 Station Cottages, discharging via a neighbouring garden and thence to the watercourse to the rear of Station Cottages. This pipe blocks on an annual basis and flood conditions then occur around and sometimes in Station Cottages. At present both Southern Water and Kent Highways disclaim ownership of this sewer and it cannot be right that a development of any size should be considered when the responsibility for the removal of surface water rests with no-one. This problem is further complicated by a spring which rises on the site and, in times of heavy rainfall, adds considerably to the flow of water. I would hope that the matter of surface drainage can be addressed in the plan as a matter of some priority.

Question 7

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

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

Future Notifications

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

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

Comment

Consultee	Mark Davies [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mark Davies [REDACTED]
Comment ID	PSLP_1668
Response Date	04/06/21 08:09
Consultation Point	Policy H 9 Gypsies and Travellers (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mark Davies
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 9 Gypsies and Travellers	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

Question 5

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

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

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I consider this to be unsound due to the impact of additional traffic that this development will cause.

Old Hay connects to Pearsons Green Road which is a 60 mph country road with restricted visibility on exiting Old Hay. I have already had 1 vehicle end up in my front garden as a result.

There is already extensive traffic with large lorries, skip lorries, delivery vans and private vehicles. At times, you can wait 5 minutes to exit the driveways near the junction with Pearsons Green Road due to the build-up of traffic trying to exit Old Hay. When traffic is trying to enter Old Hay at the same time, Pearsons Green Road grinds to a standstill.

Old Hay itself is a single track concrete road with very few designated passing places. Increasingly vehicles use private driveways to allow other vehicles to pass causing damage and distress.

With such a narrow entrance to Old Hay, it is already tight for large vehicles entering Old Hay and this has already resulted in significant damage to a private vehicle parked wholly on my driveway, resulting in not insignificant cost, disruption and inconvenience.

It is my belief that any further development along Old Hay that will result in any further traffic volume will cause unacceptable hardship on local residents, not just those residents living within 200yds of the junction with Pearsons Green Road but also to those living further down the road.

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	Ian Davis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ian Davis [REDACTED]
Comment ID	PSLP_1401
Response Date	04/06/21 16:23
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Ian Davis
Question 3	
To which part of the Local Plan does this representation 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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My wife and I have here at Colts Hill since the summer of 1993, her family having lived and worked in the parish of Capel for generations. It remains a beautiful corner of the Garden of England largely unspoilt Green Belt of small hamlets and villages set out amongst small woods and good quality arable land.

The proposed housing development for Paddock Wood and East Capel is unsound on a number of important and key issues.

Paddock Wood is already subject to two significant and unfinished housing developments. The proposed plan makes inadequate provision for accommodating the substantial increases in traffic levels in the immediate and wider area adder to these ongoing developments and there yet to be seen impact. Paddock Wood has been subject to considerably housing development since the 1960s yet nothing has been done to provide a proper road infrastructure. The B2160, the Maidstone Road, is subject to congestion caused by parking on the carriageway which is particularly challenging to the buses and HGVs which have to access local businesses. This is no more apparent that those delivering to the Waitrose supermarket which have the further gauntlet of traversing Commercial Road, the center of the village.

To the south of the village on the B2160 is the junction with the B2017 from Tonbridge, the A228 and the proposed new development west of Paddock Wood and in East Capel. Residents of the proposed new development will have to traverse this already busy junction when seeking to access the village amenities and because of the weight restriction on the railway bridge on the B2160(7.5t), this route, the B2017, is also the access for HGVs. It is single carriageway road with a narrow pavement on its north side.

Traffic from the proposed development heading west reaches the A228 and may proceed westely on the B2017 towards Tonbridge and the A21 or turn south towards Tunbridge Wells.

The B2017 linking Tonbridge to Paddock Wood is a winding rural single carriageway with pavements only provided within Five Oak Green. Within Five Oak Green residential parking on the carriageway already impedes the smooth flow of traffic which is exacerbated during the morning rush hour past the Primary School when children are being dropped off. I have commuted daily from Colts Hill through to the A21 at Tonbridge for over 25 years and this 4 mile journey can often take upto 40 minutes if there is the simplest obstruction. Added to this morning congestion is the school traffic entering the Schools at Summerhill where the queues there tail back onto the carriageway and can cause tailbacks back beyond the turning for the Hartlake Road. Traffic heading easterly from the proposed development would have to negotiate Five Oak Green itself before arriving at the A228 where if then turning South

towards Tunbridge Wells will substantially add to the significant congestion heading up Colts Hill. Other minor roads in the area are already subject to significant levels of rush hour traffic and many of these are single carriageway country lanes.

Looking across the north of the Tunbridge Wells Borough poor road infrastructure provision is evident wherever you look. The A228 from the B2017 south to the A264 interchange with the A21 has been subject to a proposed bypass for over 30 years, the A228 being the important link between the two primary Hospitals serving West Kent. But the A264 itself as it heads into Tunbridge Wells is substantially congested not only at peak times all the way through to the center of the town. Similarly at the western end of the B2017 turning south westerly towards the A21, the A26 here is also heavily congested at rush hour and traffic turning north westerly on the A26 as it bypasses Tonbridge to its east is already beyond capacity with substantial rush hours queues. Adding 1000s of additional vehicle movements is simply unsustainable and it must also be noted that Tunbridge Wells Borough Council has not adequately consulted the Tonbridge and Malling Borough Council on which a substantial proportion of this additional traffic will fall.

There are further concerns regarding the potential consequences of this new development upon the water table and increases in flooding of the surrounding area. The proposed development is low lying land alongside the Tudeley Brook and a previous housing development to the south of Paddock Wood saw a number newly built homes subject to subsidence after completion.

The proposed development would also see a reduction in amenity as a number of tranquil footpaths through arable land would be obliterated.

The Inspector is urged to be aware of the other proposals for housing development, not only STR/SS3 for the new village at Tudeley to the west but also the machinations of Maidstone Borough Council in respect of a housing development at Beltring adjoining Paddock Wood towards its immediate north. The piecemeal approach does a great disservice to the people of Paddock Wood and Capel and the cumulative affects of all of these developments is the destruction of our rural environment.

In summary, a) the proposed development is inappropriate in the Green Belt, b) will completely gridlock the entire road network in this rural corner of the Borough, c) the plan is not properly integrated either within the Borough itself or strategically within the wider area of West Kent, d) loss of amenity, e) lack of strategic planning across Borough and West Kent.

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.

This proposal is not sound and inappropriate in this rural setting.

Future Notifications

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

Comment

Consultee	Ian Davis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ian Davis [REDACTED]
Comment ID	PSLP_1749
Response Date	04/06/21 15:34
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Ian R Davis
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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

Question 5

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

After this 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.

My wife and I have here at Colts Hill since the summer of 1993, her family having lived and worked in the parish of Capel for generations. It remains a beautiful corner of the Garden of England largely unspoilt Green Belt of small hamlets and villages set out amongst small woods and good quality arable land.

The proposed housing development for Tudeley is unsound on a number of important and key issues.

As already stated the area is rural in nature and aesthetics, comprising arable land and small woods. The proposed development is of such magnitude that it will obliterate Tudeley and be a visible blight on the views from across the Medway Valley from Golden Green and East Peckham. Of particular import are the world renowned Chagall windows in All Saints Church. Notable because this is the only church in the world to have all its twelve windows decorated by Chagall. The other three religious buildings with complete sets of Chagall windows are the Hadassah Medical Center synagogue, the Chapel of Le Saillant, Limousin, and the Union Church of Pocantico Hills, New York. When Chagall arrived for the dedication of the east window in 1967, and saw the church for the first time, he exclaimed "C'est magnifique! Je les ferai tous!" ("It's beautiful! I will do them all!") To desecrate the setting of the church by surrounding it with housing is tantamount to vandalism.

Traffic and infrastructure. The proposed plan makes inadequate provision for accommodating the substantial increases in traffic levels in the immediate and wider area. The B2017 linking Tonbridge to Paddock Wood is a winding rural single carriageway with pavements only provided within Five Oak Green. Within Five Oak Green residential parking on the carriageway already impedes the smooth flow of traffic which is exacerbated during the morning rush hour past the Primary School when children are being dropped off. I have commuted daily from Colts Hill through to the A21 at Tonbridge for over 25 years and this 4 mile journey can often take up to 40 minutes if there is the simplest obstruction. Added to this morning congestion is the school traffic entering the Schools at Summerhill where the queues there tail back onto the carriageway and can cause tailbacks back beyond the turning for the Hartlake Road. Traffic heading easterly from the proposed development would have to negotiate Five Oak Green itself before arriving at the A228 where if then turning South towards Tunbridge Wells will substantially add to the significant congestion heading up Colts Hill. Other minor roads in the area are already subject to significant levels of rush hour traffic and many of these are single carriageway country lanes. Looking across the north of the Tunbridge Wells Borough poor road infrastructure provision is evident wherever you look. The A228 from the B2017 south to the A264 interchange with the A21 has been subject to a proposed bypass for over 30 years, the A228 being the important link between the two primary Hospitals serving West Kent. But the A264 itself as it heads into Tunbridge Wells is substantially congested not only at peak times all the way through to the center of the town. Similarly

at the western end of the B2017 turning south westerly towards the A21, the A26 here is also heavily congested at rush hour and traffic turning north westerly on the A26 as it bypasses Tonbridge to its east is already beyond capacity with substantial rush hours queues. Adding 1000s of additional vehicle movements is simply unsustainable and it must also be noted that Tunbridge Wells Borough Council has not adequately consulted the Tonbridge and Malling Borough Council on which a substantial proportion of this additional traffic will fall.

It must be noted that these 1000s of potentially new residents will have to travel to work and school. There is no provision for cycleways or pavements within the plans, existing bus routes use these same already congested roads and there are no plans to provide sustainable levels of local employment.

There are further concerns regarding the potential consequences of this new development upon the water table and increases in flooding of the surrounding area. To the north of the proposed development lies the Medway and its flood plain and to the east Five Oak Green village which has been subject to some serious flooding in the last decade and which frequently has large tankers adding to the congestion on the B2017 when extracting excess water from the Alder Stream. This process is not limited to Five Oak Green, only today as I travelled along the B2017 there was a tanker in the road alongside the water facility in Tudeley itself.

In summary, a) the proposed development is inappropriate in the Green Belt, b) destroys the unique setting of the world famous Chagall windows in All Saints Church, c) will completely gridlock the entire road network in this rural corner of the Borough, d) the plan is not properly integrated either within the Borough itself or strategically within the wider area of West Kent.

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.

This proposal is not sound and inappropriate in this rural setting.

Comment

Consultee	Mr Tom Davis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Tom Davis [REDACTED]
Comment ID	PSLP_427
Response Date	21/05/21 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	0.8
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Tom Davis
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.

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

Policies Map 4

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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BackgroundI have lived in this area since 1993 when I moved to Mile Oak . When I was working I commuted by car and over the years I have seen that the volume of traffic on what were previously quiet country roads around Paddock Wood has increased exponentially, these roads being quite unsuited for heavy traffic loads . I have also regularly experienced long delays caused by volume of traffic when getting onto and off the A21 at Kippings Cross, on Pembury Road into Tunbridge Wells and any on road into Tonbridge from Paddock Woodside. Development of the scale as proposed by TWBC will overload our crowded local road network.

Development on farmlandThe use of prime agricultural land as first choice (easy choice ?) for development is detrimental to the national good and I oppose it in principle.

The development Tunbridge Wells plan for Paddock Wood and Caple is flawed as it does not take into account the post "Brexit" reality where there is now extreme pressure for national self-sufficiency in food production . As the plan does not take this into account approval for development of any prime farm land should not be given. Prime arable land in the UK is not infinite.

In particular, the land in the South East corner of the plan is presently in full productive use growing many acres of blackcurrants, approval for development here should not be given. The nation cannot afford loss of land from food production to built development.

The Prime Minister stated to parliament on 3 May 2021 new housing development will be on BROWN FIELD sites.

Climate CrisisThe plan is flawed in regards to climate change as it does not take in to account the loss of the many acres of land currently in use for food production. Loss of valuable agricultural land results in the increased importationof food and so adding global warming pollution by additional emissions resulting from shipping across the globe .The need to reduce "food -miles" in the face of a climate crisis has been ignored in this plan.

Traffic CongestionIf the plan for the development of land for housing in the South East Corner is approved traffic flow heading for Tunbridge Wells, East Grinstead, Gatwick and A21 heading South will go up Pixot Hill, through Brenchley and Matfield. These roads cannot handle this traffic and Brenchley is a pinch point. TWBC cite a report of a survey they commissioned estimating a ridiculously low figure of 3% of traffic from the new development will head this way to head South to the A21 - this report is flawed - (Stantec report 6.6.2). The plan should be rejected

As supporting evidence I can provide an *accurate* survey - I live in Mile Oak adjacent to the proposed development in the South East corner where 1500 houses might be built, to head south or , if I want to go to Tunbridge Wells , I drive through Brenchley and Matfield to join the A21, so from first hand knowledge I can state that figure of 3% proposed by TWBC in the report they commissioned is wildly wrong. I estimate that 50% plus of my car trips go through Brenchley to the A21 (and 100% of my trips in to Tunbridge Wells go this way) and traffic from the proposed development for the East and the South East Corner will certainly follow the same route. The impact on the narrow streets of Brenchley will be significant and the plan does not accurately assess this and should be rejected

Within the plan (in the LCWIP phase 2 report) there is also a proposal to close the railway bridge on Maidstone Road, Paddock Wood, to all traffic other than buses This will create "rat runs" on Wagon Lane, Lucks Lane and Queen Street for cars, vans and small lorries heading south and wanting to access the eastern side of Paddock Wood, an area where a very large development is proposed, bringing heavy volumes of traffic on to narrow rural lanes. The plan does not take this into account as is therefore flawed

Flooding

If the proposed sites in the south east corner of Paddock Wood are converted from agricultural to built development the removal of so many acres of fruit production will cause the ground water table level will rise and so damage properties along Mile Oak Road, properties in Catts Place Cottages along this road.

Protection of Heritage Assets - The plan is flawed in respect of the historic hamlet of Mile Oak (where 50% of the properties are listed) which is in Brenchley parish, Mile Oak lies immediately adjacent to the Paddock Wood boundary. The proposed development site in the South East corner would directly connect Mile Oak into the urbanisation of Paddock Wood. Any development work in the South East corner would destroy the nature and value of Mile Oak hamlet as an heritage asset unless a clear greenfield gap maintained. This a specific and strong reason why the south east corner should not be considered for development.

In the plan no mention been made about considering the rural setting and heritage asset value of the listed buildings in Mile Oak hamlet. To repeat, the plan is flawed in this regard and should be rejected

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	Mr James Dawes [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Goudhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Dawes [REDACTED]
Comment ID	PSLP_331
Response Date	21/05/21 15:04
Consultation Point	Section 2: Setting the Scene (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	James Dawes
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.	
Paragraph Numbers: 2.24 - 2.31	
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
- . It is not consistent with national policy

Question 5

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

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

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

The Local Plan claims precedence over Neighbourhood Plans if they are superseded by strategic or non-strategic policies that are adopted subsequently or they conflict with the Council's strategy.

If the council want to retain the support of local people they must give precedence to the neighbourhood plans otherwise the council will not take the population with them. The people who live in a parish know best the problems associated with housing costs, traffic and schooling and if the council is able to only adopt the aims of the neighbourhood plan when it coincides with their wishes but ignore it when it does not, then the neighbourhood plan is a useless document – advisory at best.

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.

Paragraph 2.26 and 2.27 need to be re-drafted in the following terms:

2.26 As explained at paragraphs 29 and 30 of the NPPF, neighbourhood planning gives communities the power to develop a shared vision for their area, but that neighbourhood plans must not promote less development than set out in strategic policies for the area, or undermine those strategic policies.

2.27 The NPPF also clarifies that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

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 local council should not be able to over-rule a neighbourhood plan and they will always attempt to garner more power to themselves if allowed.

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	Paul de Ste Croix [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Paul de Ste Croix [REDACTED]
Comment ID	PSLP_23
Response Date	05/04/21 15:10
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Paul de Ste Croix
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1: The Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

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

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

- . It is not 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.

Significant representations were made to TWBC during the regulation 18 consultation period none of which were answered or addressed by the council.

The proposed development is on green belt, on a flood plan, unserved by suitable infrastructure including public transport, road networks, doctors surgeries and schools and is in or very adjacent to an area of outstanding natural beauty.

Should this development go ahead its geographical position in relation to the amenities Tunbridge Wells affords is such that residence will pay council tax to TWBC but use very few if any of TWBC amenities. Instead they will rely on amenities provided by Tonbridge which is significantly closer to the development but falls under a different local council. This is bad enough even before you consider that the plan itself admits that road links between Paddock Wood and Tonbridge are poor and not suitable for expansion. How then will people get to Tonbridge where the nearest supermarkets are located?

Paddock Wood is already overdeveloped for its infrastructure and amenities and is certainly not the self sufficient, bustling town the plan portrays it as. This development will make the situation significantly worse in every regard save for TWBC revenue.

With no proper public transport infrastructure this development relies on multiple vehicle homes which will inevitably and significantly increase traffic on roads that are already unfit for current traffic levels. Cycle and foot paths will not be used by people taking children to school or going to work for the overriding majority of new residents.

This element of the local plan is fundamentally flawed and TWBC have until now refused to acknowledge that. Please put a stop to this outrageous proposal to irreversibly ruin a significant area of outstanding natural beauty.

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.

This section of the local plan should be scrapped.

Tunbridge Wells has significant brown field sites that should all be developed before a single green field site is even considered for development.

As and when this has happened improvements to infrastructure including roads, public transport, schools, public health and community centres should be in place BEFORE developments of this magnitude are allowed. For the plan to say these things are being considered is simply not good enough.

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	Janet Deakin [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Janet Deakin [REDACTED]
Comment ID	PSLP_832
Response Date	30/05/21 11:28
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Janet Deakin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/HA 5 Land to the north of Birchfield Grove

Question 4a

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

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

Question 5

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

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

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

As a Birchfield Grove resident, I wish to register my objection to Policy AL/HAS which seeks to allocate land to the north of Birchfield Grove for the purposes of a new joint doctors' surgery, parking spaces and ancillary facilities.

My reasons are all substantiated by Kingsley Smith's comprehensive submission to you dated 21 May 2021. Therefore to prevent being lengthy and repetitive, I have precised my response which wholly refers back to Kingsley Smith's submission.

AONBSee Solicitor's report on this aspect. To me there seem to be no 'exceptional circumstances' as to why the surgery should be located at Birchfield Grove. Certainly the downsides of such a project would be catastrophic in terms of encroachment in an AONB. Also Site 413 was excluded from the January draft of the PSLP because of AONB issues. Have there been any changes since then? None are evident to me. Also the ecological strip intended as protection for wildlife, flora etc would be breached, contrary to what I was told when purchasing my property.

TRAFFIC AND ACCESSTraffic congestion in Hawkhurst is a well known and frustrating fact. The village simply cannot cope with current, let alone, increased volume. Every day there are back ups from the traffic lights to the junction with Birchfield Grove - an impossible situation exacerbated by vehicle fumes, speeding traffic braking hard to join the queue - an accident waiting to happen. In addition, visibility to exit Birchfield Grove is difficult to say the least, as is entry into Birchfield Grove, particularly at night - there are no street lamps - dark sky policy. How would this policy sit with a large practice, cars etc on the north side of the ridge? (I notice planning was turned down recently for 6 bungalows opposite Birchfield Grove due to traffic/access reasons).

Birchfield Grove itself is a narrow cul de sac and entirely unsuitable for large flows of traffic. Some houses are only a few feet from the road which in itself presents a high degree of danger let alone the resultant stinking fumes which will be generated by queues of cars trying to exit Birchfield Grove and speeding cars having gained entry, plus the prospect of larger vehicles, ambulances etc.

ALTERNATIVE SITEA well documented fact that TWBC has agreed to a proposed joint surgery at KGV with notable advantages over Birchfield Grove. The provision also of a Community Centre is a real bonus, a facility for a village the size of Hawkhurst so desperately needs. Why are the doctors so insistent on pressing for Birchfield Grove when services already exist at KGV, parking and no encroachment on AONB and housing - do ask yourselves! Gaining access at Birchfield Grove will no doubt lead to future applications from the owners of the land beyond for a large housing project. A ridiculous scenario which would only add to current problems previously mentioned not to mention Sewage which is a major concern in this area.

I trust TWBC will give careful and measured thought to this reapplication and its long term effects if granted, and fully embrace the points raised here and in particular, Kingsley Stevens submission.

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	Ms Kathryn Dellow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Kathryn Dellow [REDACTED]
Comment ID	PSLP_508
Response Date	27/05/21 11:08
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	Kathryn Dellow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel Paragraph number 4.12	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant

Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

<input type="checkbox"/>	It is not effective
<input type="checkbox"/>	It is not justified

. It is not effective

. It is not justified

Question 5

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

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

I am a resident of Nursery Road, just on the other side of the railway bridge from the High Street / Commercial Road side of Paddock Wood. I have lived here for four years, and my young children attend Brenchley and Matfield School around 3 miles away in Brenchley. This was felt to be a better fit than Paddock Wood School for my eldest who had some developmental difficulties at school selection time.

I take my children to school from my home, over Paddock Wood railway bridge, every morning at around 8.20am - 8.30am, returning to work from home at around 8.50, and the same round trip at pick up time (3.00pm to 3.45pm). The railway bridge is not congested or even particularly busy at these times, or at any other time of the day that I use it (e.g. at afternoon/evening rush hour). If the new houses go ahead in Paddock Wood, they will be situated on the 'right' side of the bridge for all the amenities, so I can't see that the proposed developments will add a large number of journeys over the bridge either.

If the bridge is closed, I will still have to drive my children to school due to the distance and the lack of pavements for walking, but I will have to go a long way round adding probably more than 10-15 minutes to every journey and therefore increasing emissions etc. I would anticipate that the majority of houses on this side of the bridge would be in the same boat. Added to this, my likely route would be via the Hop Farm / A228 and then back along the B2017 (Badsell Road) past the new development, so this will make any additional traffic from development even worse.

Closing the bridge will under no circumstances 'reduce the number of vehicle trips in the town' as stated in the plan. It will simply mean that all of us on the 'wrong' side of the bridge will have to drive a long way around to get over the railway, therefore INCREASING traffic past the Hop Farm and along the A228, or worse still having people zooming along single track country lanes such as Wagon Lane and Queen Street. The plan actually states that the bridge is the only road over the railway in Paddock Wood – closing it is completely illogical. People won't walk to the Paddock Wood supermarkets and lug their weekly shop back – they'll get in the car and drive the long way round, or probably more likely carry on and take their business to other towns.

This will cut a significant number of residents off from the local amenities, literally rendering a whole side of the town as 'the wrong side of the tracks'. If new houses are built north of the railway, no one will want them without any vehicular access to the town itself. This has not been thought through at all, and you need to listen to residents on this.

Question 6

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

The proposal to close the railway bridge simply needs to be removed. If necessary, this should be reassessed AFTER any new houses are built, when the level of congestion can be appropriately assessed. Alternatively, solve the problem by building another crossing over the railway, rather than removing the only one that connects one side of the town to the other.

If the proposal is because the road cannot handle the increase in traffic from the new houses, perhaps this is indicative that Paddock Wood / Capel is not an appropriate area for this amount of development to take place. Either improve the infrastructure, or remove the demand. Do not cut residents off from local business.

Question 7

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

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

Question 7a

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

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

I would be happy to give evidence as someone who lives in a road that will be deeply affected by this proposal. I make no 'unnecessary' journeys over the bridge, and would be pleased to outline my situation and why this is an ineffective and unsound policy.

Future Notifications

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

Comment

Consultee	Claire Derbyshire [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Claire Derbyshire [REDACTED]
Comment ID	PSLP_1720
Response Date	04/06/21 16:56
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Claire Derbyshire
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/PW 1 The Strategy for Paddock Wood

[TWBC: this representation forms part of Comment Number PSLP_1718 against Policy STR/CA 1]

Question 4a

If 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 object to the inclusion of land in East Capel in "The Strategy for Paddock Wood" (Policy STR/PW1).

This land is Green Belt land and should only be built upon if an "exceptional circumstance" exists.

TWBC's own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan's aims without using the Green Belt land at East Capel.

Question 7

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

Comment

Consultee	Claire Derbyshire [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Claire Derbyshire [REDACTED]
Comment ID	PSLP_1718
Response Date	04/06/21 16:56
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Claire Derbyshire
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/CA 1 The Strategy for Capel parish

Question 4a

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

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

Question 5

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For the past 12 years my husband and I have been fortunate to live in Tudeley. We chose to purchase a Grade II listed building and have invested time and money in its ongoing maintenance and protection. We were drawn by the setting – within the AONB surrounded by beautiful countryside and assumed since designated Green Belt, the local area would be protected from development. I enjoy walking the local footpaths and for the past 8 years have undertaken voluntary work and species surveys at RSPB Tudeley Woods Reserve. I am also a keen wildlife gardener and constantly amazed by the species we attract to the garden from neighbouring habitats.

I consent to my contact details being added to your consultation database. Please keep me informed of all future Local Plan consultations. I understand that my comments may be published by TWBC.

I am writing to object to “The Strategy for Capel Parish” (Policy STR/CA1).

1) Loss of MGB

<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

National Planning Policy Framework 13. Protecting Green Belt land Notably Paragraphs 134 & 143-145

- The Capel Master Plan is contrary to the purpose of the Green Belt: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns; and (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- The STR/CA1 map illustrates the potential reduction in separation between Tonbridge, Tudeley, Five Oak Green and Paddock Wood which is wholly unacceptable and impractical on so many levels.

2). The Natural Environment- As Capel currently stands we are blessed with a network of public footpaths which enable access to attractive countryside, wonderful views and the ability to easily walk between settlements. The possibilities to get outside and the health and wellbeing benefits that bestows, are endless with local highlights being:

Foal Hurst Wood RSPB Tudeley Woods Sherenden and Moat Farms The River Medway Whetsted Gravel Pits

- The amenity of all of these sites and many of the connecting footpaths have the potential to be harmed by the proposed developments, be it by destruction of views, noise pollution, increased footfall and its associated issues (littering, dog fouling, anti social dog walkers).

Biodiversity- Capel is rich in biodiversity. - A historic lack of biodiversity recording as evidenced by inventories supplied by KMBRC of the area does not mean species do not exist! - Whilst some species are highly territorial and location loyal, that is not to say they won't be adversely affected by significant changes to neighbouring locations particularly in terms of air, noise and light pollution. From my own experience, the land around Sherenden Farm, which borders the CA1 site, is used for feeding and or breeding by a number of Birds of Conservation Concern - I suspect there are many more besides:

Red List: Fieldfare House Sparrow Lapwing Linnet Redwing Skylark Song Thrush Starling Yellowhammer

Amber List: Kestrel Swift

- At present our amphibians, aquatic animals, birds, invertebrates, mammals, reptiles and fauna enjoy a fairly undisturbed existence save for seasonal agricultural operations in some areas and they are

free to roam and spread without too many man made barriers. With the exception of the A228 Paddock Wood bypass, they currently do not encounter major roads. If this were to change, it may artificially and detrimentally alter natural behaviour whilst potentially increasing road kill.

Cumulative Effect The cumulative effect on biodiversity of this level of simultaneous development must not be underestimated - Tudeley Village and Senior School (CA1), East Capel (PW1), Mineral extraction at Whetsted Gravel Pits and the Colts Hill bypass proposal will destroy or disturb vast tracts of habitat. The associated ground disturbance and noise and air pollution on site and construction plant noise/pollution on surrounding roads will surely encourage species displacement. I cite Foal Hurst Wood LNR as a specific example likely to be adversely impacted by East Capel (PW1) and the Colts Hill Bypass. - When considering development of this scale in a relatively confined area of the borough we can't afford to consider each site in isolation but should employ a holistic view to protection. - It unjust and short sighted that only species with designated protections are considered during the planning process.

Biodiversity Offsetting - Just because an agency arrives at a notion for national adoption, doesn't make it a credible idea. - If you proposed replacing a substantial area of tarmac i.e. a disused airfield, or cleaned up a substantial contaminated brownfield site, then I would agree this would represent a net gain in biodiversity. - If however you tell me you are going to destroy a large area of Green Belt but mitigate its loss by better managing a TWBC woodland I would call this an insult. The woodland is already a biodiversity resource and if you are currently not managing a precious resource in an optimal way you are failing. - Biodiversity Offsetting is just smoke and mirrors.

3) Transportation

Existing Road Management and Anti-social Behaviour - Is it wise to create/expand roads within Capel and surrounding areas when TWBC and local agencies are obviously stretched to the limit. Whilst proactive in road surface maintenance, this is not true of the roadside verges. Littering is already an issue the length of the B2017 and Hartlake Road etc with residents resorting to litter picking in the absence of council operations. - Similarly, whether down to lack of will or resources, the Police seem unable to control the late night anti-social driving issues along the B2017, neighbouring lanes and Woodgate Way which is both a source of noise pollution and potential jeopardy for legitimate road users and residents. - Drivers routinely exceeding the 40 mph speed limit, together with inappropriate HGV use are issues that will be exacerbated by any road expansion and increased population. - If TWBC and the authorities are unable to address such issues as the population currently stands what chance have they with a significant population increase?

Road Network - I fail to see how existing roads outside of the development sites will cope with the increased population. Woodgate Way, Vale Road, and Cannon Lane Tonbridge and Pembury Road Tunbridge Wells are already subject to chronic congestion. - I frequently travel between Tudeley and the B245 (London Road), when Cannon Lane is congested I use the High Street via Medway Wharf Road as the Vale Road/High Street roundabout is increasingly unusable. A significant increase in road users will exacerbate congestion in Tonbridge as the nearest town to 'Tudeley Village'. - In the 12 years we have lived in Tudeley the increase in local traffic congestion has grown.

Associated road network as yet undefined. - Expansion of existing roads and/or creation of new roads may further contribute to sprawl. - I fail to see how the B2017 through Tudeley could be expanded given that dwellings abut the road on either side, the southern portion being AONB. - We can only surmise new road locations which seems an unsound basis for consultation.

4) Inappropriate Development Senior School west of Tudeley - TWBC state 'Tudeley Village' is "a standalone garden settlement" so why will senior school provision be made outside its boundaries? Similarly, primary school provision may be met by expansion of Capel Primary School, Five Oak Green. - Both these proposals will have detrimental effects on traffic congestion on the B2017 and A26 Woodgate Way west of Tudeley and on the western extreme of Five Oak Green where school run parking is already chronic and a source of traffic congestion.

"The school shall be designed to minimise trips to and from it by private vehicle and to facilitate active transport modes, such as walking and cycling from Tudeley Village"

– Regrettably, I think it is a naïve and idealistic expectation in this age of multiple vehicle ownership and heavy use thereof.

5) Additional Concerns

- Water supply to development sites – how is an increase in population sustainable when Kent is vulnerable to drought?
- Further negative environmental impact of bringing utilities and drainage to and from development sites.
- Increased potential for flooding with increase in impervious surfaces.
- Reduction in vital food production through loss of valuable agricultural land.
- The negative impact of nearby development on heritage assets and their setting notably the many listed buildings and in particular the unique and renowned Tudeley All Saints Church with its Marc Chagall stained glass windows.
- I understand Pembury Hospital is already struggling to meet demand, how will an increase in population be cared for particularly as 'Tudeley Village' occupancy is aimed at all stages of life so would assume maternity, paediatric and elderly care etc?
- I understand there is controversy as to how the future population / housing requirement figures were arrived at. There is evidence of local properties stagnating on the housing market (ironically I suspect a symptom of the outrageous Local Plan). Rumours abound that such housing schemes attract London overspill rather than address local need. As the uncertain political climate and Brexit unfolds I would expect a review of the proposed figures and against more up to date ONS data than is currently being used.

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

This land is Green Belt land and should only be built upon if an “exceptional circumstance” exists. TWBC’s own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan’s aims without using the Green Belt land at East Capel.

[TWBC: Note the comment on STR/PW1 has also been input against Policy STR/PW1]

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)?

Future Notifications

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

Comment

Consultee	Andrew Dewdney ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Brenchley TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Andrew Dewdney ([REDACTED])
Comment ID	PSLP_2082
Response Date	04/06/21 16:28
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Andrew Dewdney
Question 3	
To which part of the Local Plan does this representation 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 submitted fairly detailed comments for the Regulation 18 consultation, most of which appear to have been ignored, and I am wondering why the Planning policy means that I have to re-submit them so you can see them, and why you shouldn't have access to those Reg 18 consultation remarks.

I was initially bought up in Paddock Wood from the mid 1960s, and attended school in Tonbridge. After university I moved to London and then spent some time abroad, returning to the area in the late 1990s. I have a number of general comments concerning the last 50 years of my experience of living in this area:

- 1 Road Infrastructure: The dualing of the A21 has been discussed since the 1970s, and I remember the section being opened between Sevenoaks and Tonbridge. The only other main road infrastructure that has been added in the 40 years since I left in the early 1980s is the A21 dualing from Tonbridge to Kippings Cross. This is great news but the downside is that it has caused significantly more congestion along the B2160 to and from Paddock Wood. I have often encountered queues back to the Matfield Church to get to the A21 roundabout, and getting through Matfield is a game of cat-and-mouse through the parked cars on the road. This will obviously get worse with the increased housing approved and planned for Matfield and Paddock Wood. Whilst there appears to be little in the plan for new road infrastructure except for the Capel bypass and new "village" development, buried in the TWBC consultation reports are proposals to close the railway bridge at Paddock Wood to anything but buses. This is madness. Where are all these new residents supposed to work (seeing as the local plan is suggesting that the new jobs are going to be largely generated in the industrial estates to the North of the railway)? The local plan should be seeking to develop additional road and bridge infrastructure to cope with the additional load that will be put on it, rather than restricting the existing infrastructure to buses.
- 2 Parking: across the rural parts of the borough, from Sissinghurst to Matfield and beyond, permission has been granted for a large number of homes but with no commensurate increase in off-road parking. Traffic through the villages is now being slowed and queuing - leading to higher levels of pollution and poorer air quality for residents. At a Reg 18 planning meeting I attended in Horsmonden, the planning officer in attendance from TWBC tritely commented that "such queues are good for reducing speeding vehicles". Provision in the plan should be made for sufficient off-road parking for residents and visitors - in order to maintain the capacity of the current road infrastructure to accommodate the vast number of increased residents and traffic this will generate, without any significant improvement in the road network set out in the plan.
- 3 Rail infrastructure: The scheduled journey times to London from Paddock Wood are now longer than when I was getting the train to school in the mid-1970s. Two years ago the Secretary of State for transport canvassed opinion on reducing stopping services between Ashford and Tonbridge (to reduce travel times from Ashford - notwithstanding the High Speed One alternative to Kings Cross). I asked the TWBC planning department representative at the Reg 18 meeting

whether there had been discussions with the operator about capacity given the proposed increase in housing in the borough and in neighbouring boroughs (given the huge developments down the line in Marden and Staplehurst). She responded saying that the rail operator had come back saying that there "may be some additional capacity". She didn't know whether this was at peak times or whether the company would operate longer trains to increase capacity. This seems typical of the TWBC local plan - woolly thinking on real issues and no discussion with neighbouring councils. When I started commuting to London in the 1990s it was possible to get seats up until Sevenoaks in the morning peak. Pre-pandemic it was getting difficult by Tonbridge. The rail services have not been increased to this area since the 1980s yet it is assumed that it will be able to accommodate the vast numbers of new customers along the line. There needs to be some joined-up thinking in government and planning to look at the bigger picture.

- 4 Infrastructure: My parish council has concerns that the TWBC Infrastructure Development Plan (IDP) is incomplete. TWBC should be specifying the core infrastructure assets that need to be in place and be ready by construction or sale of the first phases of house-building. There has been history in of developers being granted planning permission and then putting on hold development after the first phase. TWBC doesn't have the resources to put this in place and is dependent on developers to do so. According to the planning representative at the Reg 18 meeting I attended, this has happened in a Paddock Wood development (to my great surprise the planning representative admitted that the "Paddock Wood contract has been a mistake") and the conditional infrastructure improvements required by the planning permission were not implemented. It is well known that developers are also able to escape "affordable" home numbers after PP on the basis that they make the development uneconomic. This can also happen with conditional infrastructure commitments as developers can go bankrupt, merge or change strategies. To me the TWBC Local plan appears to be development led rather than infrastructure led, which may lead to more contractual mistakes by the Council with developers and risk leaving inhabitants with the housing but not the associated infrastructure improvements to

Question 6

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I don't feel qualified to comment on the legal nature of the Plan - you are in a much better place to opine on that than the bulk of the 120,000 people that live in the Borough. However, I have a number of comments on the soundness of the local plan:

- 1 As set out in my comments I believe that this plan is development driven rather than infrastructure driven. TWBC have taken the centrally imposed housing targets for the borough and not challenged them. The council has used the standard methodology using 2014 data to calculate the requirement for 678 houses per annum. The council has ignored the ONS 2016 forecast, which would reduce the national housing need from 300,000 houses per annum to 160,000. This would give a requirement for 484 homes per annum.
- 2 I don't think that TWBC has complied with its NPPF requirements to examine reasonable alternatives to the standard methodology. In the Dixon Searle Partnership report it says that TWBC has examined reasonable alternatives but concluded that they are not possible. I can't find any evidence of the council exploring alternatives, nor why such alternatives were rejected, but in a borough with so much AONB and Greenbelt land there could be reasons to question and move away from the standard methodology.
- 3 In addition to the AONB/Greenbelt argument, there have been two major changes in circumstances since the Reg18 consultation in 2019: Covid pandemic and the UK has now left the EU with a

- trade deal for goods, but not services. Both will have a major negative impact on the UK's growth in the coming decades and given that services are not included in the deal, the impact on the City (and many people in this Borough work there) but there is no economic analysis in the Viability Assessment that takes this into account. This is a serious error of omission.
- 4 In the 37 page Local plan viability assessment there are 4 references to Covid and leaving the EU but general waffle about how this will lead to uncertainty - what about modelling the impact of the Borough of a decline in the assumed growth rates that underly the assumptions?

Question 7

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

TWBC has not made it easy to make comments - the local plan website is slow, links don't work properly and access to the documentation is not intuitive. Hence I have decided to submit my comments directly.

I have had an involvement in this borough from my childhood and my children have been brought up here. I don't have the opportunity to elect a planning inspector nor challenge their approvals. Therefore before that inspector opines on what will happen to this area, that is close to my heart, I believe they should speak to as many people as possible and find out the depth of feeling towards this plan. TWBC is changing the shape of this borough, and its historic villages and landscapes, acre by acre. The ruling party has seen its share of the vote fall from 80% 5 years ago to 37% in the last elections. People don't want the plan in its current form and 97% of the 1,100 comments on the Reg 18 process were opposed to it. You will come in, give your opinion and walk away leaving this generation and all future generations in this area to deal with the consequences. It has taken me hours of (unpaid) time reading hundreds of pages of documents, attending meetings, so I think it would be only fair for you to hear me, and others, out.

Question 8

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

Closing the railway bridge in Paddock Wood to traffic other than buses is shortsighted and not in the interests of existing residents and the occupants of the massive new development in the plan. More crossings of the railway will be needed to accommodate the increased population.

Why has the walking/cycling strategy paper only recently been commissioned when the TWBC has granted PP hundreds of houses in Paddock Wood already? Again this is evidence of the development led approach by TWBC rather than seeking to put in place the necessary infrastructure plans first. TWBC needs to change its approach to being infrastructure driven.

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	Bryan Dickson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Bryan Dickson [REDACTED]
Comment ID	PSLP_1650
Response Date	04/06/21 12:45
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Bryan Dickson
Question 3	
To which part of the Local Plan does this representation 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

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 have been resident in Tonbridge for 30 years and know the area well. I am concerned about the TWBC proposed plan for a number of reasons, some of which are detailed below.

What is also noticeable by its absence is any reference to consultation and co-operation with Tonbridge and Malling BC regarding the affects this plan will have on their residents.

This plan is not considered sound for a number of reasons which are not listed below in any specific order of importance.

This plan will significantly impact local infrastructure. For example (*this list is not exhaustive*):-

- . increased traffic on roads will result in increased local congestion, decreased air quality and an increased carbon footprint (queues on the A26 for example are already lengthy, particularly at peak times);
- . increased use of already overstretched local peak-time rail use is inevitable based on the local connectivity with London and elsewhere (before I retired I commuted to London daily and noticed that trains were increasingly very busy in peak time);
- . there will be increased health care requirements including hospitals, GP surgeries, dentists, etc. which are already strained in the area (getting an appointment is already very difficult);
- . an increased demand on utilities;
- . significant increased demand for local school places which have the additional issue of dropping off and collection times (this is particularly relevant to Capel School that my grandchildren attend and from where we collect then twice a week).

While these points are noted in the plan there is no definitive indication given of how TWBC will "work with" various agencies and providers to deliver the expected increased infrastructure requirements. It is not clear if these will even be possible to deliver in the short and longer term.

Completion of the plan will take over 15 years resulting in increased congestion, and significant disruption to local people. As the proposed development is on the outskirts of TWBC this plan gives all of the benefits of council tax to TWBC but all of the disturbance and hassle to Tonbridge & Malling (e.g. all relevant local infrastructure issues as noted previously and the increased demand for car parking for residents, commuters, shoppers, etc.)

The number of dwellings in the plan is totally disproportionate to the area. The proposal would represent a 500%+ rise in the number of dwellings in Capel. I visit Capel regularly and the rural atmosphere would be destroyed if the planned housing goes ahead). Also interesting is that the Councillor for Capel only represents 2% of the total number of TWBC Councillors.

The proposal is to build on a known flood plain and high-risk flood area. The increased "concreting over" will result in an increased risk of flooding to the area and/or move the water downstream to other

surrounding areas such as Tonbridge, Yalding, East Peckham, Golden Green, etc. where flood mitigation fails. If dwellings are subsequently flooded as a result of the building, this is likely to increase house insurance costs and could result in flood insurance being unobtainable which would have a dramatic and undesired effect on the saleability of property in the area. Should this happen, it is possible that affected residents could have a potential claim against TWBC and their Councillors.

The proposal will destroy about 600 acres of green belt land. Why would this be considered where there are alternative brown field sites that may not have been adequately studied and considered. Equally, a substantial acreage of good quality agricultural land will also be lost forever. This is in addition to a further 200 acres that are due to be quarried as part of the Kent Minerals Plan. This will turn what is now a rural Kentish Parrish landscape into just another concrete conurbation – once green belt land is gone it can't be replaced!

It is also understood that Hartlake Road which links Golden Green to Tudeley may be closed to all traffic if this plan is not approved. A large number of individuals use the road regularly and its closure will add to the congestion on the main road from Tonbridge to Tudeley. This is already highly congested and will increase the pollution from stationery or slow-moving vehicles. There has been no consultation on this because if there had been there would have been a far higher number of objections received.

If TWBC have proposed this plan to meet government targets, what efforts have been made to advise Central Government that their house building targets are not feasible in this area, as Sevenoaks have done? The South East of England is already densely populated and further extensive building and urban sprawl as proposed will add to emissions, further reduce green spaces, and contribute to the further deterioration to local and global climates.

It is clear that TWBC have ignored the unprecedented local response at Reg 18 and have not adequately addressed the concerns raised. Why has there been such a lack of scrutiny and transparency to this plan as it affects a far larger area and population than the corner of the TWBC ward where it is proposed the development is situated? Engagement with the local community in Capel and the surrounding area that will be affected has been totally ineffective as the majority of people that will be personally affected by this plan do not appear to have been honestly and robustly advised of the true effect on them if the plan is agreed. This seems totally inequitable

Question 6

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

- . The implications of this plan are not sufficiently or widely known about. This must be rectified by the publication and circulation of a transparent document advising all citizens in all affected areas of the potential impacts of the plan and their opportunity to respond to these.
- . The publication of a detailed plan agreed with all relevant agencies and providers affected by the proposal.
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- . Revisit feasibility of alternative brown-field sites.
- . A substantial reduction in the number of dwellings proposed (maximum 10% of original plan) with these to be on brown-field sites.
- . Push back by TWBC on Central Government housing target for the area.

Question 7

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

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Future Notifications

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

Comment

Consultee	Bryan Dickson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Bryan Dickson [REDACTED]
Comment ID	PSLP_1653
Response Date	04/06/21 12:45
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Bryan Dickson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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

Question 5

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Comment

Consultee	Millie Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey [REDACTED]
Comment ID	PSLP_1936
Response Date	04/06/21 12:28
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1936, PSLP_1938, PSLP_1939, PSLP_1940 and PSLP_1941]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments)(see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of

the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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Future Notifications

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

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

Comment

Consultee	Millie Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey ([REDACTED])
Comment ID	PSLP_1938
Response Date	04/06/21 12:28
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1936, PSLP_1938, PSLP_1939, PSLP_1940 and PSLP_1941]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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Future Notifications

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

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

Comment

Consultee	Millie Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey ([REDACTED])
Comment ID	PSLP_1939
Response Date	04/06/21 12:28
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1936, PSLP_1938, PSLP_1939, PSLP_1940 and PSLP_1941]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is

parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant

or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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Future Notifications

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

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Millie Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey ([REDACTED])
Comment ID	PSLP_1940
Response Date	04/06/21 12:28
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1936, PSLP_1938, PSLP_1939, PSLP_1940 and PSLP_1941]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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Future Notifications

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

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

Comment

Consultee	Millie Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey ([REDACTED])
Comment ID	PSLP_1941
Response Date	04/06/21 12:28
Consultation Point	Policy EN 1 Sustainable Design (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	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE2 2 Feoffee Cottages and Land, Walkhurst Road, Benenden

Policy AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End

EN1 Sustainable Design

Sustainability Statement

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE 2, AL/BE 3, AL/BE 4 and EN 1 – see Comment Numbers PSLP_1936, PSLP_1938, PSLP_1939, PSLP_1940 and PSLP_1941]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 **The plan is unsound because of inadequacies in the consultation process.**

. Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

. **Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.**

. **There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP)** although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see web link)

. Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

- **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.
 - **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

- Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

- AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the

- northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
 - . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs* , Benenden).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
 - . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
 - . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the

BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a

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Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from

(see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

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

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

Comment

Consultee	Millie Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Millie Dorey [REDACTED]
Comment ID	PSLP_1944
Response Date	04/06/21 15:46
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Millie Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 5 Heritage Assets	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that 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.

Improved or new access to historic parks and gardens could easily facilitate the erosion of historic landscape not intended for vehicular use.

Question 6

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

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

Delete latter half of last sentence in para 1 of EN5 ...”and in the case of historic parks and gardens, provides, where possible, improvement of access to it.”.

The proposed wording of policy EN5 invites alternate use of historic landscape which the Kent Compendium of Historic Parks and Gardens 2010 intends to prevent.

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:

Further clarification

Future Notifications

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

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

Comment

Consultee	Miss Philippa Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Philippa Dorey ([REDACTED])
Comment ID	PSLP_2100
Response Date	04/06/21 12:33
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Philippa Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2100 and PSLP_2103]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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.

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

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translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

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Future Notifications

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

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

Comment

Consultee	Miss Philippa Dorey ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Philippa Dorey ([REDACTED])
Comment ID	PSLP_2103
Response Date	04/06/21 12:33
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Philippa Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2100 and PSLP_2103]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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.

4. Sustainability Appraisal

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Future Notifications

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

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

Comment

Consultee	Tom Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tom Dorey [REDACTED]
Comment ID	PSLP_1767
Response Date	04/06/21 12:27
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.16
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Tom Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE2, AL/BE 3, AL/BE 4 and EN1 – see Comment Numbers PSLP_1767, PSLP_1768, PSLP_1769, PSLP_1770 and PSLP_1771]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

o Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;

- according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

O The Friends of the East End (FEE) are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.

- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).

- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to uninformed views that fly in the face of TWBC policy and advocate direct and pointless confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The ensuing chaos hardly bears thinking about. At least it seems the opinions now being afforded most weight are those of people who have worked hard for two years to understand the issues and come up with a coherent way forward.”
- o Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 **The plan is unsound because of the untimely publication of site allocations**

- . Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.
- . The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”)

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**
Supporting Documents

- . **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020. See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore *a report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does not note Scheduled Monuments in the village);
- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's Rural Lanes: Supplementary Planning Guidance. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs*, Benenden).
- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.

- Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.

o There is no "pre-school/nursery" as stated in the Overview o There is no "Small shop at hospital" as stated in the Overview o The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "Representation to the TWBC Draft Local Plan Regulation 18" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant

from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

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

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Tom Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tom Dorey [REDACTED]
Comment ID	PSLP_1768
Response Date	04/06/21 12:27
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (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	Tom Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE2, AL/BE 3, AL/BE 4 and EN1 – see Comment Numbers PSLP_1767, PSLP_1768, PSLP_1769, PSLP_1770 and PSLP_1771]

Question 4a

If 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 representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

- . Looking at the issue in terms of its hectarage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.

- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only "31 residents from the East End" had sent in "comments". For the strength of today's opposition to the BNP, see the FEE's current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan

to the village - to a highly favourable reception. At least we no longer have to give polite credence to uninformed views that fly in the face of TWBC policy and advocate direct and pointless confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The ensuing chaos hardly bears thinking about. At least it seems the opinions now being afforded most weight are those of people who have worked hard for two years to understand the issues and come up with a coherent way forward."

- . Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 **The plan is unsound because of the untimely publication of site allocations**

- . Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published by the BNP in February 2019 in its so called "Informal Draft Plan". The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states "The BNP proposes to include site "allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." How can the BNP follow the PSLP's approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

- . The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*."

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

Supporting Documents

- . **AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates**. November 2020. See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore *a report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- . is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- . fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two,

Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's Rural Lanes: Supplementary Planning Guidance. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).

- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "Representation to the TWBC Draft Local Plan Regulation 18" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013,

to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

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Future Notifications

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

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

Comment

Consultee	Tom Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tom Dorey [REDACTED]
Comment ID	PSLP_1769
Response Date	04/06/21 12:27
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.11
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Tom Dorey
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE2, AL/BE 3, AL/BE 4 and EN1 – see Comment Numbers PSLP_1767, PSLP_1768, PSLP_1769, PSLP_1770 and PSLP_1771]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.

- according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February

23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>. Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to uninformed views that fly in the face of TWBC policy and advocate direct and pointless confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The ensuing chaos hardly bears thinking about. At least it seems the opinions now being afforded most weight are those of people who have worked hard for two years to understand the issues and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

1 The plan is unsound because the evidence on which it is based is inaccurate or irrelevant **Supporting Documents**

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020. See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore *a report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
 - . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's Rural Lanes: Supplementary Planning Guidance. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
 - . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development.
- These omissions undermine the report's conclusion.

- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "Representation to the TWBC Draft Local Plan Regulation 18" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not

adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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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	Tom Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tom Dorey [REDACTED]
Comment ID	PSLP_1770
Response Date	04/06/21 12:27
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Tom Dorey
Question 3a	

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE2, AL/BE 3, AL/BE 4 and EN1 – see Comment Numbers PSLP_1767, PSLP_1768, PSLP_1769, PSLP_1770 and PSLP_1771]

Question 4a

If 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 representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation

the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP.”

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) “The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings.” *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), “The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary.” *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP’s AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP’s AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP’s plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>.
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to uninformed views that fly in the face of TWBC policy and advocate direct and pointless confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The ensuing chaos hardly bears thinking about. At least it seems the opinions now being afforded most weight are those of people who have worked hard for two years to understand the issues and come up with a coherent way forward.”
- . Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the

BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 **The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had already been made and published by the BNP in February 2019 in its so called "Informal Draft Plan". The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states "The BNP proposes to include site "allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." How can the BNP follow the PSLP's approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*."

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**
Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020. See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore *a report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's Rural Lanes: Supplementary Planning Guidance. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).

- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . **Inset Map 18 (Benenden Hospital)**, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "Representation to the TWBC Draft Local Plan Regulation 18" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS “*includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.*” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance?

This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

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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	Tom Dorey [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Tom Dorey [REDACTED]
Comment ID	PSLP_1771
Response Date	04/06/21 12:27
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.9

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Tom Dorey

Question 3

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

Question 3a

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

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies AL/BE 1, AL/BE2, AL/BE 3, AL/BE 4 and EN1 – see Comment Numbers PSLP_1767, PSLP_1768, PSLP_1769, PSLP_1770 and PSLP_1771]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1 The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments/section-5-benenden>)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends>. Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to uninformed views that fly in the face of TWBC policy and advocate direct and pointless confrontation with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The ensuing chaos hardly bears thinking about. At least it seems the opinions now being afforded most weight are those of people who have worked hard for two years to understand the issues and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

1 **The plan is unsound because of the untimely publication of site allocations**

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

1 **The plan is unsound because the evidence on which it is based is inaccurate or irrelevant**

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020. See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore *a report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in TWBC's Rural Lanes: Supplementary Planning Guidance. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs*, Benenden).
- offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "Representation to the TWBC Draft Local Plan Regulation 18" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

1 **Sustainability Appraisal**

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent,

which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS “*includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.*” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since

then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

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Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

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

Question 8

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

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network." Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (https://ws.tunbridgewells.gov.uk/files/consulteessupportingdocuments/Benenden%20Healthcare/Savills%20for%20The%20Benenden%20Healthcare%20Society_full%20representation.pdf),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the site's historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf> and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

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

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

Supporting Information File Ref No: SI_7

Comment

Consultee	Malcolm Dorrington [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Malcolm Dorrington [REDACTED]
Comment ID	PSLP_132
Response Date	21/05/21 13:10
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	Malcolm Dorrington- Representation letter.docx (3)
Question 1	
Respondent's Name and/or Organisation	Malcolm Dorrington
Question 3	
To which part of the Local Plan does this representation 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 for Paddock Wood including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

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

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

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

I have lived in the borough for virtually my whole life and been a resident of Paddock Wood for 35 years, and it seems like we have been having construction work going on here for at least half of that time, at present there are three large developments underway at the same time, all of which is being carried out on former agricultural land, On top of which TWBC want to build another 13,000 houses again on prime agricultural land, this figure is 50% of its target, TWBC are saying that the government is asking to much.

Across the whole borough Paddock Wood and Capel are at the most risk of flooding with the ever increasing autumn and winter rainfall flooding issues have worsened.

We do not have the infrastructure to cope with more housing, the schools are full, the doctors surgeries are full and with the advent of the forthcoming Churchill Retirement Home development on Commercial Road we are losing five existing shops with nowhere to build more.

The country side next door which became so important to the health and well being of residents during the pandemic will be gone forever and there will be no there will be no green space in between, we will no longer be a rural area, we will be a giant urban sprawl.

Please see the document attached under question 8

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.

Please see the document attached under question 8

[TWBC: text of supporting document copied here for ease of reference]:

I have lived in the borough for virtually my whole life and been a resident of Paddock Wood for 35

years, and it seems like we have had major construction work going on here for at least half that time, at present there are three large developments underway at the same time, all of which are being carried out on former agricultural land, on top of this TWBC want to build another 13,000 houses which is 50% of its target, they are actually claiming that the government is demanding too much.

Across the whole borough Paddock Wood and Capel are at the most risk of flooding; it is a fact that with every new development and ever increasing autumn and winter rain fall flooding issues have worsened. It is also a fact that local doctor's surgeries and schools are full, the plan mentions building more surgeries but will they find doctors to fill them, the surgery in neighbouring East Peckham has been closed for a number of years. A new school was supposed to have opened in September 2018 but has never been started; the plan mentions more shops in Paddock Wood but five existing shops are to be demolished to make way for a Churchill Retirement home development in the main street. The National Planning Framework is clear that poorer quality farmland should be preferred, yet the land in question is shown in predictive maps produced by Natural England to be some of the most agriculturally rich land in the borough, yet the planners jumped on it because the current owners put it forward, obviously to line their own pockets, they did not consider the effect it would have on food production. This area is historically a farming community, it was the place where thousands of Londoners used to travel to work in the hop fields, for them it was a holiday as well and for many the only times they got to see the countryside, the hops have mainly gone but the area is still rich in orchards and arable farming. This area is also full of public footpaths, during the pandemic it has been a godsend for the health and wellbeing of local people, it was the countryside next door, easily accessible by foot when travel restrictions were introduced, if the local plan goes ahead this will be lost forever to ourselves our children and grandchildren.

The National Trust, the Woodland Trust and Countryfile are all engaging in planting thousands of new trees, TWBC want to rip out thousands of existing trees, orchards and hedgerows, the very heart of our local countryside, this will make flooding worse and decimate wild life.

The subject of overdevelopment in Kent and the South East has already aired in Parliament by Teresa May saying 'wrong homes are being put in the wrong place', Sir Roger Gale has also criticised the development of agricultural and green belt land in Kent.

The final issue is that if this goes ahead there will be no separation between Paddock Wood and Tonbridge, there will be no greenbelt in between, we will no longer be a rural area, we will be a giant urban sprawl, a giant concrete slab.

If you would like to attach a file in support of your comments, please upload it here. [Malcolm Dorrington- Representation letter.docx \(3\)](#)

Future Notifications

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

Supporting Information File Ref No: SI_16

Comment

Consultee	Malcolm Dorrington [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Malcolm Dorrington [REDACTED]
Comment ID	PSLP_248
Response Date	21/05/21 13:31
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	Malcolm Dorrington- Representation letter.docx (4)
Question 1	
Respondent's Name and/or Organisation	Malcolm Dorrington
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3 for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Question 4a	

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

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

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

Question 5

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

I have lived in the borough for virtually my whole life and been a resident of Paddock Wood for 35 years, and it seems like we have been having construction work going on here for at least half of that time, at present there are three large developments underway at the same time, all of which is being carried out on former agricultural land, On top of which TWBC want to build another 13,000 houses again on prime agricultural land, this figure is 50% of its target, TWBC are saying that the government is asking to much.

Across the whole borough Paddock Wood and Capel are at the most risk of flooding with the ever increasing autumn and winter rainfall flooding issues have worsened.

We do not have the infrastrucuter to cope with more housing, the schools are full, the doctors surgeries are full and with the advent of the forthcoming Churchill Retirement Home development on Commercial Road we are losing five existing shops with nowhere to build more.

The country side next door which became so important to the health and well being of residents during the pandemic will be gone forever and there will be no there will be no green space in between, we will no longer be a rural area, we will be a giant urban sprawl.

Please see the document attached under question 8

Question 7

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

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

Question 8

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

Please see the document attached under question 8

[TWBC: text of supporting document copied here for ease of reference]:

I have lived in the borough for virtually my whole life and been a resident of Paddock Wood for 35 years, and it seems like we have had major construction work going on here for at least half that time, at present there are three large developments underway at the same time, all of which are being carried

out on former agricultural land, on top of this TWBC want to build another 13,000 houses which is 50% of its target, they are actually claiming that the government is demanding too much.

Across the whole borough Paddock Wood and Capel are at the most risk of flooding; it is a fact that with every new development and ever increasing autumn and winter rain fall flooding issues have worsened. It is also a fact that local doctor's surgeries and schools are full, the plan mentions building more surgeries but will they find doctors to fill them, the surgery in neighbouring East Peckham has been closed for a number of years. A new school was supposed to have opened in September 2018 but has never been started; the plan mentions more shops in Paddock Wood but five existing shops are to be demolished to make way for a Churchill Retirement home development in the main street. The National Planning Framework is clear that poorer quality farmland should be preferred, yet the land in question is shown in predictive maps produced by Natural England to be some of the most agriculturally rich land in the borough, yet the planners jumped on it because the current owners put it forward, obviously to line their own pockets, they did not consider the effect it would have on food production. This area is historically a farming community, it was the place where thousands of Londoners used to travel to work in the hop fields, for them it was a holiday as well and for many the only times they got to see the countryside, the hops have mainly gone but the area is still rich in orchards and arable farming. This area is also full of public footpaths, during the pandemic it has been a godsend for the health and wellbeing of local people, it was the countryside next door, easily accessible by foot when travel restrictions were introduced, if the local plan goes ahead this will be lost forever to ourselves our children and grandchildren.

The National Trust, the Woodland Trust and Countryfile are all engaging in planting thousands of new trees, TWBC want to rip out thousands of existing trees, orchards and hedgerows, the very heart of our local countryside, this will make flooding worse and decimate wild life.

The subject of overdevelopment in Kent and the South East has already aired in Parliament by Teresa May saying 'wrong homes are being put in the wrong place', Sir Roger Gale has also criticised the development of agricultural and green belt land in Kent.

The final issue is that if this goes ahead there will be no separation between Paddock Wood and Tonbridge, there will be no greenbelt in between, we will no longer be a rural area, we will be a giant urban sprawl, a giant concrete slab.

If you would like to attach a file in support of your comments, please upload it here. [Malcolm Dorrington- Representation letter.docx \(4\)](#)

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	Gillian Douglass [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gillian Douglass [REDACTED]
Comment ID	PSLP_286
Response Date	23/05/21 18:19
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Gillian Douglass
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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 1 The Development Strategy

Question 4a

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

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

Question 7

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

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

Question 8

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

There is a site off Medway Road in St. James where Trident Trailers used to be located. This building has been boarded up for over a decade and should be subject, in my view, to a compulsory purchase order. The area has several blocks of flats and this land is an eyesore. It could be developed into housing, parking or a number of other uses.

Comment

Consultee	Gillian Douglass [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gillian Douglass [REDACTED]
Comment ID	PSLP_287
Response Date	23/05/21 18:25
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Gillian Douglass
---------------------------------------	------------------

Question 3

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

Question 3a

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

Policy STR 6 Transport and Parking

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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

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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.

STR6 does not refer at all to the 20 mph speed limit set up in the town centre. While several areas were completed in a hurry in order to take advantage of a grant, mistakes have been made. In St. James, for example, the speed between Camden Road and Quarry Road changes to 30 mph immediately before a church hall where a nursery takes place and a primary school in a congested area.

Question 7

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

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

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

Comment

Consultee	Gillian Douglass [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Gillian Douglass [REDACTED]
Comment ID	PSLP_285
Response Date	23/05/21 18:02
Consultation Point	Policy TP 4 Public Car Parks (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Gillian Douglass
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy TP 4 Public Car Parks

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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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.

TB4 Many people in Tunbridge Wells live in houses where it is not possible to have a charging point for a car or cars. Public car parks should all have at least one charging point.

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 Sandra Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Sandra Dowse ([REDACTED])
Comment ID	PSLP_2135
Response Date	03/06/21 11:59
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	Sandra Dowse
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2135 and PSLP_2136]

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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This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

4. Sustainability Appraisal

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Future Notifications

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

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mrs Sandra Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Sandra Dowse ([REDACTED])
Comment ID	PSLP_2136
Response Date	03/06/21 11:59
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
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Question 1	
Respondent's Name and/or Organisation	Sandra Dowse
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2135 and PSLP_2136]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

Question 5

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

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

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

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern sight and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

that the site is on an east-west ridge giving it a dominant position in relation to the AONB;

- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape

character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children’s playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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

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

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

Many of the PSLP’s problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any

more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

4. Sustainability Appraisal

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In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score

the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

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

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2147
Response Date	03/06/21 11:56
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2149
Response Date	03/06/21 11:56
Consultation Point	Policy STR 2 Place Shaping and Design (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Yes, I wish to participate in hearing session(s)

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.

2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2150
Response Date	03/06/21 11:56
Consultation Point	Policy STR 3 Brownfield Land (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Yes, I wish to participate in hearing session(s)

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2151
Response Date	03/06/21 11:56
Consultation Point	Policy STR 5 Infrastructure and Connectivity (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Yes, I wish to participate in hearing session(s)

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2152
Response Date	03/06/21 11:56
Consultation Point	Policy STR 6 Transport and Parking (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2153
Response Date	03/06/21 11:56
Consultation Point	Policy STR 7 Climate Change (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 PSLP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.
- . **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: "*The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.*" This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site "*includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.*" AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*
- 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Yes, I wish to participate in hearing session(s)

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2154
Response Date	03/06/21 11:56
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (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	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2155
Response Date	03/06/21 11:56
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	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2156
Response Date	03/06/21 11:56
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	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
- Policy STR 2 Place Shaping and Design
- Policy STR 3 Brownfield Land
- Policy STR 5 Infrastructure and Connectivity
- Policy STR 6 Transport and Parking
- Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2129
Response Date	03/06/21 11:56
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
- Policy STR 2 Place Shaping and Design
- Policy STR 3 Brownfield Land
- Policy STR 5 Infrastructure and Connectivity
- Policy STR 6 Transport and Parking
- Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2133
Response Date	03/06/21 11:56
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
- Policy STR 2 Place Shaping and Design
- Policy STR 3 Brownfield Land
- Policy STR 5 Infrastructure and Connectivity
- Policy STR 6 Transport and Parking
- Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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*.”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails

to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Richard Dowse ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Richard Dowse ([REDACTED])
Comment ID	PSLP_2157
Response Date	03/06/21 11:56
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Other
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Richard Dowse
Question 3	
To which part of the Local Plan does this representation 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
Policy STR 2 Place Shaping and Design
Policy STR 3 Brownfield Land
Policy STR 5 Infrastructure and Connectivity
Policy STR 6 Transport and Parking
Policy STR 7 Climate Change

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

Policy PSTR/BE 1 The Strategy for Benenden parish

Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Policy EN 1 Sustainable Design

[TWBC: this representation has been input against Policies STR1, STR 2, STR 3, STR 5, STR 6, STR 7, STR 8, PSTR/BE1, AL/BE 1, AL/BE 3, AL/BE 4 and EN 1, please see Comment Numbers PSLP_2147, PSLP_2149, PSLP_2150, PSLP_2151, PSLP_2152, PSLP_2153, PSLP_2154, PSLP_2155, PSLP_2156, PSLP_2129, PSLP_2133 and PSLP_2157]

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.*”

2. The PSLP is not based on sound evidence

- . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
- . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
- . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as "Serving the people of Benenden and Iden Green" without any reference to the East End.
- . The TPA says that "a day nursery is located immediately to the north of the Site within 400m." There is incorrect, yet this error is repeated in para 5.413 of the PSLP "There are also nursery/pre-school facilities at Iden Green and East End." An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA 'Scoping Note' on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland's. 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.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- . **Policy STR 3** calls for the use of brownfield sites “within settlements” and in “sustainable locations.” AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in “a way that makes as much use as possible of previously-developed or ‘brownfield’ land.” AL/BE 4 contains in-use residential housing and an LWS and therefore is not 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 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.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In

the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests confirmatory bias or prejudice.

(ii) The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.

(iii) Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.

(iv) The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.

(v) The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

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

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

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

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting

between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that “At times the workshop was emotive ...” Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) “which may be allocated for development as part of a future Local Plan.” In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP’s SA as suffering from “a lack of services and facilities including public transport at the settlement.” This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 “A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area.” This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children’s playground and pub/restaurant. The SA information is unreliable and the PSLP’s use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	James Duffin [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	James Duffin [REDACTED]
Comment ID	PSLP_239
Response Date	21/05/21 12:40
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	James Duffin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

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

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

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

I have been a resident of Paddock Wood all my life, and I have seen it grow from a village to a town over the years. I love my town, and the green fields surround us, and the smaller villages that are nearby.

However, with all of the current housing developments around us it has highlighted problems with traffic congestion exiting the town. With school traffic, it now takes upward of 45 minutes to travel the six miles between Paddock Wood and Tonbridge for work. When schools are not in session, the same journey takes around 15 minutes. Building all of the extra houses in Paddock Wood and East Capel will make this unmanageable.

5.153 states, "The growth around Paddock Wood will also provide a significant opportunity for investment into Paddock Wood town centre so it can respond to meeting the needs of the additional population it will serve." This was supposed to happen before the three housing developments that are currently under construction were started. We still do not have the second primary school or the improvements to the Badsell Road/Maidstone Road junction.

5.158 & 5.160 both mention the green belt. This is there to stop urban sprawl. If the land at East Capel is built on, this will effectively merge Paddock Wood and Five Oak Green into one urban development. 5.158, 5.163, 5.164 & 5.165 all mention flood plains and flooding. Land to the North of Paddock Wood, and the land at East Capel are effectively flood plains. If these are built on, even with flood mitigation in place, it will still cause a significant flood risk to the existing town of Paddock Wood, plus those settlements further downstream. 5.166 mentions the heritage of the town. We have very little heritage left due to planning being granted for various developments over the years, including the retirement complex that is due to be built soon. Each of those has destroyed historic buildings. We would like to retain what little we have left for future generations to enjoy

5.167 mentions the route of the old Hop Pickers railway line. I was under the impression that this was protected from development? 5.175 states, "All sites are within walking or cycling distance of Paddock Wood railway station." Does this consider bad weather? Traffic on the roads significantly increases when the weather is bad, as people do not want to walk or cycle. 5.174 The justification does not make any sense. TWBC has 20 yards. It seems that over 50% of the allocation is just going to two wards; Paddock Wood and Capel.

5.177 says that the growth here is justified. On what basis? Surely, there are other sites, such as Castle Hill, or brownfield sites around Tunbridge Wells.

5.180 says "...but deficiencies in service provision, mobility, and flooding infrastructure have been identified. Comprehensive strategic development offers an opportunity to address these deficiencies and inject the town centre with new vitality and viability." So why were the current crop of 1000 houses

allowed planning permission? We will struggle to support the residents of those, let alone the other thousands that will move in under this plan.

5.184 "Whilst it is not anticipated that the industrial units at Eldon Way, to the north west of the town Tunbridge Wells Borough Local Plan 141 Pre-Submission Local Plan Regulation 19 Consultationcentre, adjacent to the railway line, will become available over the plan period, if suitable alternative employment premises are identified, residential uses would be supported in principle in this location subject to other policies in the Plan." Eldon Way is built on marshy ground and currently sits on what is essentially a raft. Moving the businesses to elsewhere and trying to build houses on this would be extremely difficult.

5.186 "Growth could positively improve life and opportunities for those living in the town, or those wanting to remain but unable to find a house." The houses need to be affordable by the local population. The three current developments do not have anything in the price range that is affordable for most residents of Paddock Wood.5.185 point 5 "This should include consideration of how the natural and historic environment of the local area is reflected and respected." TWBC have stated repeatedly that we do not have any historic areas and have allowed areas we consider historic to be demolished. The allocation for the new sports hub on the land at East Capel is in the wrong place. It would create extra congestion at an already busy junction. This would be better sited on the land opposite Transfesa Road, and would allow access to the site from Maidstone Road, and also from the A228 via Eastlands Lane, therefor cutting congestion at the junction by the Hop Farm roundabout

The travel plan mentions putting the restricted traffic access back onto Commercial Road, to allow buses only on the lower part. When this scheme was last implemented, it caused problems. There was no clear-cut advice for disabled or elderly residents about access to the parking bays outside of the shops, and it pushed extra traffic out onto the surrounding housing estates (Warrington Road and Green Lane). The lower part of Commercial Road needs to stay as access for all vehicles, with traffic wardens to discourage pavement parking. The travel plan also mentions the railway bridge on Maidstone Road. It states that this is the town's only crossing point for the railway, and proposes to close it to all traffic except busses. This is a truly ridiculous idea. It would cut off the main artery of the town, and force extra traffic out on the Badsell Road/A228 Junction, and the A228/Maidstone Road junction at the Hop Farm.

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 F Duke [REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs F Duke [REDACTED]
Comment ID	PSLP_1110
Response Date	01/06/21 09:00
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Letter
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs F Duke
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

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

Question 4a

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

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

Question 5

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

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My name is Mrs F Duke of the above address. I am writing to you with regards to the proposed closure of the Railway Bridge to cars. I have lived at my current address for over 50 years and have always been happy to walk to the village whenever it was possible for me to do so. Unfortunately I am no longer able to walk very far and rely on Family, Friends and G4 to take me shopping and to appointments that I need to go to. My children live on the south side of Paddock Wood so use the bridge to come and collect me to take me to Waitrose shopping each week. At the moment it is a quick and easy journey to collect me or to get to me in an emergency, but if they are unable to use the bridge it will be a much longer and drawn out journey that will cause more pollution rather than less. It will also be at least a 10 minute drive on a good day to get to the Doctors rather than the current 3 minutes. Where is the sense in this decision? I already feel that I am cut off due to my needing help to get anywhere and this decision if it goes ahead will only make me more cut off.

Please re think this decision as in my opinion it will cause more pollution problems and traffic jams in the area than leaving it as it is.

Question 7

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

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

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_127

Comment

Consultee	Laurie Dunkin Wedd [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge TN9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Laurie Dunkin Wedd ([REDACTED])
Comment ID	PSLP_1952
Response Date	28/04/21 11:10
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Other
Version	0.6
Files	PSLP_1952_L Dunkin Wedd_supporting information.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Laurie Dunkin Wedd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 3 The Strategy for Tudeley Village

Question 4a

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

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

Question 5

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

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Dear Local Planners,

Thank you for offering the opportunity to respond in writing:

[TWBC: copy of part of Local Plan website duplicated]

You have made the mechanism for responding so complex and structured that I cannot negotiate it: I am sure I am not alone. This will undoubtedly have reduced response - and the cynic in me asks if perhaps this is the outcome you had hoped for?

I am therefore sending you a topped and tailed printed copy of my previous response: nothing has changed.

The the spirit of democracy, I hope you will find a way to forward this with all the other responses.

[TWBC: posted response has been copied here for ease of reference]:

[TWBC: for images, maps and charts, see full representation attached].

The Right Homes In The Right Places? A response to TWBC's Draft Local Plan

February 2017: The government calls for 'the right homes in the right places'. [Fixing our broken housing market. A housing white paper]

July 2019: TWBC responds with the wrong homes in the wrong places.

[Tunbridge Wells Borough Draft Local Plan Regulation 18 Consultation Draft]

The Right Homes In The Right Places?

Contents:

- 1 Personal Statement
- 2 The Right Homes? National guidance not observed by TWBC. Why building new homes willy-nilly will not help solve the housing crisis. Why building the right type of homes is crucial. How affordable and social housing are desperately needed. Why the draft Local Plan fails to deliver. i) What TWBC is required to do ii) There's no housing shortage - there's a crisis iii) So where have all the homes gone? a) Some have several while others have none b) Buy to let reduces the market c) The top of the market sequestered iv) How should Tunbridge Wells respond? v) Affordability - what is it?
- 3 In the right places? Why building on Green Belt is counter-productive. How building on watershed above the flood-prone Medway endangers downstream communities. The danger to heritage assets. Why the draft Plan's transport strategy is unachievable. i) Green Belt ii) Flooding iii) Heritage assets iv) Transport
- 4 Climate change and the environment Even UK Parliament accepts climate crisis. New research supersedes TWBC plans.
- 5 Can TWBC deliver? Recent and not-so-recent projects suggest a lack of competence. Neighbouring councils not apprised. TWBC claims a firm evidence base not possible in the time. i) A history of failure ii) A failure to consult iii) Evidence base impossible in the time iv) Non-compliance with NPPF
- 6 Appendices
- 7 **Personal statement**

My beloved mum died just over a year ago: we buried her at All Saints' Tudeley. She loved All Saints' Tudeley, and served for some years as secretary of the PCC. She was passionate about the countryside, and was a lifelong member of CPRE. We thought it was so appropriate that from her grave one could see the wonderful view across the Medway valley:

It had given us great comfort to know that she was to be buried in sight of this beautiful rural view, one of our favourites in Kent. My wife wishes to be buried at Tudeley, and as a local, born and bred in Kent, it was my hope to be buried there too.

So you can imagine our distress when we saw the plans for the proposed Tudeley Village. It was devastating to think that there might be a new housing estate within a few yards of our graves. It is hard to see how this will 'respect the setting of... All Saints Church'.

I love to hear the skylarks singing from the field to the south of the church; how sad if they must go.

[TWBC: see image in full representation attached]. The ground has now settled enough for a headstone, and we had chosen the inscription from Psalm 121: 'I will lift up mine eyes unto the hills'. That inscription is looking bitterly ironic now - if it is to look like this:

[TWBC: see image in full representation attached].

That's my personal sadness.

But there are also innumerable reasoned arguments against this project. Here are some of them. **2. The Right Homes?**

1 i) What TWBC is required to do

"The Plan is required to meet the full assessed need within the borough for market and affordable housing of 678 per annum" [Draft Local Plan 2.31 page 27]

This sounds incontrovertible, doesn't it?

But it simply isn't true.

Here is the latest government advice on the subject:

"The National Planning Policy Framework is clear that, to enable effective planning of new homes, local planning authorities should start the plan-making process with a clear understanding of the number of new homes that they need in their area.

While this is an essential first step, it is not the only stage in the process. Local planning authorities then need to determine whether there are any environmental designations or other physical or policy constraints which prevent them from meeting this housing need.

These include, but are not limited to, Ancient Woodland, the Green Belt, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest.

They also need to engage with other authorities – through the duty to co-operate – to determine how any need that cannot be accommodated will be redistributed over a wider area. This means that the level of housing set out in a plan may be lower or higher than the local housing need."

[www.gov.uk/government/publications/fixing-our-broken-housing-market]

So it is clear that:

- . TWBC must balance housing need with environmental considerations
- . TWBC cannot determine local housing need until they have consulted other authorities

Neither of these conditions has been met. TWBC's draft Local Plan has not followed NPPF guidelines and is therefore unsound in general and in detail.

The following pages demonstrate how far TWBC's plan is from meeting these - and other - conditions. * *There is NO housing shortage! (But there IS a crisis.) The UK has 28.1 million residences (ONS 2014) and 27.6m households (ONS 2018) * The crisis is a shortage of AFFORDABLE HOUSING Average UK home costs eight times average earnings (Conservative Party Conference 2017) * Tunbridge Wells has a very poor record of provision of AFFORDABLE HOUSING 1,705 needed, just 580 provided in 2012-2017 (W Kent Housing & Homelessness Strategy) * There IS a problem of distribution 1.5m people own multiple homes (ONS) while others have none at all * There IS a problem of inequality UK inequality is second worst in Europe (OECD Social and Welfare Statistics 2017) * There IS a problem of money laundering and tax evasion UK property market is particularly attractive (draft Registration of Overseas Entities Bill 2018) * The Tunbridge Wells Borough Draft Local Plan will address NONE of these problems Green Belt provides executive housing, not affordable homes (CPRE Oct2019) * Instead the Tunbridge Wells Borough draft Local Plan will create a ghetto for the wealthy Average house prices: SE England = £383,422, Tudeley = £715,000 [Zoopla]*

1 i) There's no housing shortage - there's a crisis

We have all heard that we are short of millions of homes, and that we must build hundreds of thousands of new ones a year to address the situation. TWBC's draft Local Plan appears to agree:

"The rising household numbers, coupled with an ageing population, mean that the Council will continue to need to provide a mix of housing types and sizes, including specialist forms of housing. This presents a challenge for the new Local Plan, as it will need to facilitate the delivery of affordable housing... [Draft Local Plan, section, 2.30 p27]"

Whilst it is well-known to almost everyone, it's worth asking if this housing shortage does, in fact, exist?

It does not.

So says Ann Pettifor, Director of Policy Research in Macroeconomics, Fellow of the New Economics Foundation, and author of *The Case for the Green New Deal*. And the statistics back up this view:

"In 2014, there were 28 million dwellings in the UK, but only a predicted 27.7 million households in 2016. As the director of consulting at Oxford Economics, Ian Mulheirn, highlights, London's number of dwellings grew faster than the number of households between 2001 and 2015." [www.theguardian.com/commentisfree/2018/jan/27/building-homes-britain-housing-crisis]

The Office of National Statistics confirms it:

[TWBC: see image in full representation attached].

[<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2018>
<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/articles/ukperspectives2016housingandhomeownershipintheuk/> 2016-05-25]

1 ii) So where have all the homes gone?

And yet, there is certainly a housing crisis, characterised by increasing homelessness and a shortage of homes for first-time buyers, making it impossible for our young people to get onto the housing ladder.

According to Theresa May addressing the Conservative Party Conference in 2017, the average UK home cost eight times average earnings; mortgages are limited to 4.5 times salary.

Where does the problem lie? How can be it that we have more homes than families, and yet still not enough homes for everyone?

1 a) Some have several while others have none

First of all, some people have several houses, while others have none. "At the time of the 2011 Census, 1,570,228 usual residents in England and Wales (2.8 per cent of the usual resident population) reported having a second address in another local authority in England and Wales, that they used for 30 days or more each year". [www.ons.gov.uk/peoplepopulationandcommunity/housing/bulletins/2011censusnumberofpeoplewithsecondaddressesinlocalauthoritiesinenglandandwales/2012-10-22]

1 b) Buy to let reduces the market

Second, an increasing number of property owners own homes that they do not live in.

In recent years, buy-to-let has grown exponentially, removing homes from the sale market. Between 1999 and 2015, lenders advanced 1.7 million loans for buy-to-let houses, according to the Council of Mortgage Lenders. This trend was especially marked in the south east, as the chart shows.

[TWBC: see chart in full representation attached].

[Council of Mortgage Lenders cml.org.uk]

That's 1.7 million homes removed from the market - fully 6% of the total. Their owners are wealthy enough to own two or more houses, and they rent the spare ones out, at a profit, to people who cannot afford to buy a house.

So those who can afford to own more than one property make an income from the rent paid by people who can't afford to buy even one.

1 c) The top of the market sequestered

Thirdly, property at the top of the market is made unavailable through tax avoidance and money laundering.

The National Crime Agency suggests that "the scale of money laundering impacting the UK annually is in the hundreds of billions of pounds". [www.nationalcrimeagency.gov.uk/what-we-do/crime-threats/money-laundering-and-terrorist-financing]

“£180 million worth of property in the UK has been brought under criminal investigation as the suspected proceeds of corruption since 2004”, said our local MP and then Business Secretary Greg Clark, introducing the government’s plan for a Register of Overseas Entities. [www.gov.uk/government/news/world-first-register-to-crack-down-on-criminals-laundering-dirty-money-through-uk-property-market-to-go-live-by-early-2021]

In 2015 the London Mayor’s office reported that 36,342 London properties were held by offshore haven companies. Not even the Land Registry knows who owns these homes. [www.london.gov.uk/questions/2015/1366]

According to the Standard, “Land Registry figures also show that in just one deal signed off by Boris Johnson in 2011, at Riverlight Quay in the Nine Elms regeneration area, 15 per cent of the homes sold so far have been bought by foreign firms.” [www.standard.co.uk/news/london/revealed-how-foreign-buyers-have-bought-100bn-of-london-property-in-six-years-a3095936.html]

Almost one in ten (9.3 per cent) properties in the borough of Westminster were owned in 2016 by offshore companies, say Transparency International. [www.independent.co.uk/news/uk/crime/the-uk-is-a-global-corruption-centre-campaigners-claim-a7058126.html]

Is this a London thing, entirely irrelevant to Tunbridge Wells?

Not at all. The UK total is certainly much more. In 2015, Private Eye’s research linked more than 100,000 land title register entries to specific addresses around the country.

And it’s not just someone else’s problem: two-thirds of the purchases were made by companies registered in just four British tax havens - Jersey, Guernsey, the Isle of Man and the British Virgin Islands. [www.private-eye.co.uk/registry]

OECD figures show that UK incomes are already the most unequal in Europe, save only for Lithuania. The people at the bottom of the housing ladder have no hope whatever of buying a home, however many we build.

[TWBC: see chart in full representation attached].

Some people own many homes, whilst other people have none. It’s a problem not of housing shortage but of inequality, and as Pettifor says, you can’t build your way out of that.

We will not address the gap between rich and poor by allowing already wealthy landowners and property developers to submerge Tudeley under concrete.

iii) How should Tunbridge Wells respond?

It is obvious that these are structural inadequacies, quite out of the power of TWBC to affect, and more suitably addressed at national and international level.

But TWBC cannot just carry on building executive homes on Green Belt as if these issues did not exist.

It is crucial that TWBC plays its part. It must keep up to date with recent analysis, it must deal with the problems as best it can, and if necessary it must respond to government that the portrayed housing demand is inaccurate, and the imposed solution (just build more houses) unworkable. Sevenoaks’ response to government has been imaginative, though controversial.

Have TWBC taken any account of any of these meta-problems? Apparently not: it seems they have swallowed whole and unquestioningly the view that any new houses, built anywhere, are a good thing. TWBC’s response has been merely supine.

And yet the only people who will benefit from Tudeley New Town will be the property developers and the land-owner - whose own assets may already be offshored to Ireland for tax.

What kind of property will actually help to counter all these threats? An estate of Persimmon Homes, Dandara and Berkeley homes is not the solution. Nor is a luxury Poundbury development, commanding prices one third higher than those around it. What is the local situation in Tunbridge Wells, and how should TWBC respond?

Answering a 2017 Freedom of Information Request by Chris Gerry, TWBC stated that there were in 2017 just 20 rough sleepers in Tunbridge Wells. [www.whatdotheyknow.com/request/information_on_rough_sleepers_in_FOI_F06396]

And on March 31 2016, there were 994 households on the borough council’s housing register, of whom 430 needed one-bedroom accommodation, and 363 needed two-bedroom. [West Kent Housing and Homelessness Strategy]

TWBC bases its plan on national and local housing need, using Central Government's 2014 household projections data [TWBC Housing Supply and Trajectory Topic Paper, p1]. This data is five years out of date, and has been superseded by more recent - and much lower - projections.

Only on 12 September 2019, Housing Minister Esther McVey MP announced a crackdown on developments on the nation's Green Belt, saying:

"Once the Green Belt is built on it's often gone for good: that's why we are determined to protect it. The public have told us loud and clear they want it kept for future generations to enjoy". [Ministry of Housing, Communities & Local Government, 12 September 2019]

Perhaps TWBC's aim is to provide homes for social rent?

These would certainly be the only type of homes that would be immune to the inflationary effect of oligarchs, investment funds and offshore trusts. They would not contribute to house inflation. And they would actually begin to tackle TWBC's local housing need. And there is good evidence that council houses are increasingly being seen as the local solution.

After all there have been famous recent successes such as Norwich, winner of the 2019 RIBA Stirling Prize for its Goldsmith Street development, or the Bourne Estate in Holborn.

[TWBC: see image in full representation attached].

[Council housing: it's back, it's booming and this time it's beautiful - Oliver Wainwright, Guardian, 20 June 2019]

And mayor of London Sadiq Khan has negotiated a £1bn fund from central government to build 11,000 new council homes over the next four years, set explicitly at social rent levels.

[<https://governmentbusiness.co.uk/news/24102018/%C2%A31bn-plan-build-11000-new-london-council-homes>]

Perhaps TWBC has something similar in mind?

But the phrases 'council house' and 'council housing' are entirely absent from the draft local plan. Nor does the term 'housing association' appear. The words 'social housing' appear only as a definition on page 529. In fact, TWBC seems to have entirely overlooked a number of modern trends in housebuilding.

Whatever the reason, Tunbridge Wells BC is clearly not about to embark on on a major programme of council house building.

So the focus is firmly on affordability: in its West Kent Housing and Homelessness Strategy, TWBC speaks almost exclusively about affordable housing. v) Affordability - what is it?

[TWBC: see image in full representation attached].

[www.tunbridgewells.gov.uk/residents/housing/affordable-housing/ west-kent-joint-housing-and-homelessness-strategy]

The draft plan is similarly ambitious for affordable homes. This may be a panic reaction to such unfavourable headlines as 'The borough is falling woefully behind... in 2013-14 just 36 affordable homes were delivered...' [www.kentlive.news/news/kent-news/affordable-housing-hard-come-tunbridge-492345]

But no numbers are given. And what is meant by 'affordable'? The national planning policy definition is homes that cost 20% below the market rate or less. [NPPF Revised July 2018, Annex 2]

The average house price in Tudeley is £715,000. [www.zoopla.co.uk/house-prices/tudeley]

By the NPPF definition, then, an 'affordable' home would cost up to £572,000. **Who will buy an 'affordable' home in Tudeley?**

The average house price in Tudeley is £715,000. [www.zoopla.co.uk/house-prices/tudeley/]

By the NPPF definition, an 'affordable' home would cost £572,000.

According to Halifax, the average deposit put down by those buying their first home in the first half of 2018 was 16%. [http://static.halifax.co.uk/assets/pdf/mortgages/pdf/halifax-first-time%20buyer%20review-13-january-2017-housing-release.pdf]

16% of £572,000 is £91,500, leaving a balance of £481,000; using the standard loan-to-income ratio of four-and-a-half times income, we can see that this 'affordable' home will only be available to those with an income in excess of £107,000 pa.

With a £91,500 deposit, a Halifax tracker mortgage over 35 years for the balance of £481,000 [www.moneysavingexpert.com], will have monthly repayments of £1,928 for 26 months, and then £2,539 for 22 years and 10 months - or £30,468 per year.

The average salary for a registered nurse in the UK is £24,664 [www.payscale.com]. The national average salary for teachers is £30,097. [www.glassdoor.co.uk]

Perhaps the new homes will be priced lower than average house prices in Tudeley? That's not what has happened in Poundbury, on which the new development is being modelled.

Poundbury homes are now 27% more expensive than those in Dorchester, just walking distance away. [www.rightmove.co.uk/house-prices/Dorchester.html]

[TWBC: see image in full representation attached].

If that happened in Tudeley, the new homes would not cost £715,000, but a whopping £908,000.

In fairness, however, maybe we should compare the new housing not with Tudeley's luxurious homes, but with those in less-eligible Five Oak Green nearby. The average house price paid there is a mere £512,500 [www.zoopla.co.uk] - though applying the Poundbury/Dorchester factor would take that to £650,000.

These prices are still not affordable for our teachers and nurses.

And there won't be many of such houses, either. Building on Green Belt land turns out not to produce many affordable homes: located in beautiful rural settings, the houses tend to be overwhelmingly 'executive' (ie expensive) houses.

In fact, 'affordable' homes make up just 13% of those built on land that was previously Green Belt. [CPRE Report 'Space to Breathe' October 2019]

So of our 2,800 Tudeley homes, 2,436 (87%) will be at full price - something close to a million pounds. Of the whole estate of 2,800, just 364 will be at <80% of full price - probably not less than £650,000.

So 364 'affordable' homes at £650,000? This is still a long way from the 1,200+ needed as identified by TWBC's West Kent Housing & Homelessness Strategy.

If the objective is to generate affordable housing in our area, this seems an oddly inefficient way to go about it. **3. In The Right Places?**

1 i) Green Belt:

TWBC Development Strategy:

"Prevent urban sprawl by keeping land permanently open"

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open to maintain the character of the Green Belt. Once established, Green Belt boundaries should only be altered in exceptional circumstances and should be fully evidenced and justified, through the preparation or updating of a Local Plan." [TWBC draft Local Plan 4.48]

TWBC's own analysis of Green Belt of July 2017 identified five purposes:

- . Purpose 1: Check the unrestricted sprawl of large built-up areas;
 - . Purpose 2: Prevent neighbouring towns from merging;
 - . Purpose 3: Assist in safeguarding the countryside from encroachment;
 - . Purpose 4: Preserve the setting and special character of historic towns; and
 - . Purpose 5: Assist in urban regeneration by encouraging the recycling of derelict and other urban land
- [Tunbridge Wells Green Belt Study, July 2017, Stage Two, section 1.2]

The development proposed would appear to fail at least on the first four of these counts.

TWBC also admits that the Local Plan "does not designate other land as 'replacement' Green Belt to replace that to be removed". In other words, there will be a net loss of Green Belt; the plan offers to mitigate this, but does not specify how.

The Green Belt Study (July 2017) determined a Very High Level of Harm to the Green Belt Associated with Release of Broad Areas in an area covering Tudeley; but Tudeley is not examined individually. Presumably the Tudeley plan came in too late for inclusion - has proper consideration been given to these issues - or is this another sign that the plan has been rushed?

[TWBC: see map in full representation attached]. [Tunbridge Wells Green Belt Study, July 2017]

Comparison is made with other nearby boroughs. TWBC notes that “Sevenoaks District Council is not proposing to wholly meet [sic] its housing need”, and that “the constraints applying to Sevenoaks apply similarly to this borough”. [TW Draft Local Plan 4.8, page 34]

Government analysis of Green Belt, Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest shows that Sevenoaks has 94% of such areas, leaving only 6% of other kinds, while TWBC has only 75%. In other words, 25% of TWBC’s area is NOT Green Belt, AONB or SSSI.

[www.gov.uk/government/uploads/system/uploads/attachment_data/file/644783/Housing_Need_Consultation_Data_Table.xlsx]

Clearly Sevenoaks can build very little if at all without infringing protected areas. But despite making the comparison, TWBC is entirely different, with 8,000 of its 33,000 hectares available for development.

But TWBC’s draft Local Plan takes no account of this. Instead it plans to build a large portion of its new homes entirely on the 22% of its land which is Green Belt. It’s hard to see this as anything but perverse.

[TWBC: see map in full representation attached]. [Map from Draft Local Plan Summary leaflet, pp4-5, my annotation]

TWBC’s strategic objective number 9 is “To establish garden settlements as a model for the future delivery of development in the borough.”

TWBC’s argument is that Tudeley is the only place they can put such a settlement.

But it is to be the model for others. If Tudeley is the only possible location, then where are these other future settlements to be?

And if there are other possible sites, why are these not being considered now?

TWBC admits that the convenience of dealing with just one landowner is a factor in its decision. The inspector may consider that mere convenience should not drive decision-making in the planning arena.

1 ii) Flooding:

The European Commission’s guidance on Flooding Best Practice - though long - is well worth reading. It’s pretty clear that no one at TWBC has done so. Here’s a flavour:

“human interference into the processes of nature should be reversed” “restore rivers’ natural flood zones” “strategy should cover the entire river basin area” “one should not pass on water management problems in one region to another” “shift from defensive action against hazards to management... [to] include rare events” “flood protection is never absolute, and may generate a false sense of security” [European Commission Environment Directorate: Best Practices on Flood Prevention, Protection and Mitigation: https://ec.europa.eu/environment/water/flood_risk/pdf/flooding_bestpractice.pdf]

A cursory look at the Environment Agency’s long term flood risk maps shows how seriously we must take this problem. It is not sufficient to kick it into the long grass to be dealt with at the masterplanning stage.

[<https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>]

[TWBC: see image in full representation attached].

The topographical map shows how adding impermeable surfaces in the suggested area will create rainwater flows downhill directly into the Medway:

[TWBC: see map in full representation attached].

Further maps appended.

There must be huge concern for communities downstream, such as Maidstone or Yalding, so heavily hit in 2000 and again at Christmas 2013.

[TWBC: see image in full representation attached].

Recent plans to protect this part of the Medway basin have been dropped, leaving the area especially vulnerable. The cost of the 2013 flood to local business alone was estimated at £100m.

[www.bbc.co.uk/news/uk-england-kent-36973257]

Acknowledging the huge risks, TWBC’s plan offers: ‘flood storage/attenuation/mitigation areas to reduce the flood risk to particular existing residential areas in Five Oak Green and Paddock Wood’. [Policy STR/CA 1, page 156] The details of such mitigations are left to the masterplanning stage - when it will be too late to pull back if such mitigations turn out to be impractical or uncertain.

TWBC's mitigations are unspecified - dreamt up on the spur of the moment, perhaps? There are few strategies that will mitigate covering 600 acres of farmland in tarmac. As the EU says, the best mitigation is not to do anything so unsustainable in the first place.

iii) Heritage assets:

[Draft Local Plan, p158: "particularly respect the setting of heritage assets, especially All Saints Church... (see Policy EN 7: Heritage Assets)]

I'm not the only one who loves Tudeley Church: it is visited by many thousands of international tourists every year.

In just one six-week period between 20 August and 10 October, All Saints' visitors book reveals visitors from Denmark, Germany, France, Switzerland, Ireland, Australia, Georgia, Ecuador, South Africa, Belgium, Spain, Belarus, Netherlands, Canada, Japan, Gibraltar, Israel, Greece, Czech Republic, Italy, Norway, Egypt. [Analysis of All Saints' Tudeley Visitors' Book - appended]

The car park is routinely occupied by coaches of 30-50 seats or more. In the six months to 1 October 2019, the church calendar shows 84 visiting groups (defined as being 8 or more people). If the average group consisted of just 40 people, that is 2,000 visitors a year. [www.tudeley.org/dailycalendar.htm]

Of course, the vast majority of visitors come independently. Between April and October, 66 pages of the visitors' book were filled. Each page has 21 lines, giving at least another 1,000 visitors. [Visitors Book, All Saints' Tudeley]

How many did not bother to sign? Twenty minutes spent in the church reveal that only a tiny minority do so. The total number of visitors per year is certainly in excess of 10,000.

Many stay in the area, and even more use local restaurants and pubs: they generate significant income for the area. [ITN News, interview with Aline Koehler-Price, Poacher & Partridge, Tudeley, July 9, 2019]

All Saints' location is part of the attraction. A world-famous artwork in the middle of fields and woods is a significant draw. A world-famous artwork in the middle of a housing estate? Not so much.

According to Visit Kent, tourism's total value to the local economy has risen to £278 million a year. Is it really wise for Tunbridge Wells to jeopardise All Saints' contribution to that? [www.timeslocalnews.co.uk, 17th January 2019]

So far we have looked only at numbers. Artistically speaking, how important is it really? According to Simon Jenkins' 'England's Thousand Best Churches' it's "a superb work of 20th century church art"; Jenkins' book waxes lyrical, and devotes a whole page colour illustration to the east window.

[TWBC: see image in full representation attached].

The overall objective of the Local Plan is "to ensure the quality of life for all residents whether in the home, at school, at work, or at leisure in 2033 is better than today". [TWBC Consultation Statement Sep 2019]

And in section 4.24 the plan notes that 'the cultural offer of an area can benefit wellbeing... the borough has a cultural need'. [Draft Local Plan, section 4.24, p36] How can we calculate well-being? With mental health very much on today's agenda, what recourse do people find in Tudeley?

If the comments are anything to go by, visiting this country church in its quiet location has a transformative effect on many who come. Here are just a few comments from the visitors' book:

'A magical and spiritual place' 'There is so much peace here' 'Beautiful windows in a peaceful setting' 'Meditative and beautiful' 'Silence is golden' 'So tranquil'

How much of this peace will visitors find if there is a housing estate all around the plot?

Meantime, the church provides inspiration for further artistic endeavour. Poetry and music have been generated by its presence and value:

[TWBC: see images in full representation attached].

From Oxford University, one commentator speaks of the experience of sitting in "that still, small church, immersed in the colour and pain and hope of those windows shining through". [www.universitychurch.ox.ac.uk/sermons/chagall-tudeley]

Note the mention of stillness. Surround this gem with houses, and that is what will be lost.

The best way to 'respect the setting of... All Saints' Church' is NOT to build 2,800 houses around it. **iv)**

Transport:

Perhaps the most compelling argument against the Local Plan for Tudeley is in the matter of transport. It has been pointed out that the traffic from the new development would inevitably devolve on Tonbridge and its railway station. As neighbouring MP Tom Tugendhat points out, this station is already the busiest in Kent - and - other than London - one of the busiest in the south-east of England.

[TWBC: see image in full representation attached].

There is little or no prospect of a new railway station to serve the new community. Simply put, the transport links do not exist.

TWBC realise this - but they have a plan: "Technology in transport is moving rapidly, including in relation to autonomous vehicles... scope for new and innovative technology." [Draft Local Plan para 4.61]

Early drafts of the plan recommended autonomous vehicles connecting Paddock Wood, Tudeley and Tonbridge; these futuristic recommendations have been tactfully dropped in the published version. But TWBC has a record for embracing this innovative thinking, though so far only in theory. An imaginative and visionary proposal was put forward as far back as 2016 - though its proponent had been working on it for some four years prior to that.

[TWBC: see image in full representation attached].

'Self-driving cars could be introduced in Tunbridge Wells' [www.kentononline.co.uk/tunbridge-wells/news/kent-town-set-for-30m-92396]

Self-driving Vehicles for Tunbridge Wells. Joint Transportation Board Agenda and minutes, Monday, 15th February, 2016 [https://democracy.tunbridgewells.gov.uk/meetings/documents/s26066/15b%20Self-driving%20Vehicles%20for%20Tunbridge%20Wells%20-%20Appendix%20B%20-%20Background%20Papers.pdf]

As of 2019, this attractive and compelling £30million project still exists only on paper. It seems highly probable that the same fate would befall the Tudeley version. TWBC has a standard response to all insoluble problems: future technology will provide. These tech solutions are as-yet uninvented, and/or impractical. ---

In parenthesis, I don't expect many people in Tunbridge Wells have ever seen a podcar, or even a picture, so here is one. We look forward to seeing them in Tudeley. [www.podcars.com]

Alternatively, the 'Mister' model seems particularly well-suited to rural Kent:

[TWBC: see image in full representation attached].

There may also be scope for a development of this kind - perhaps sited mid-Medway? *

[TWBC: see image in full representation attached].

* After flooding, obviously. **5. Climate change and the environment**

TWBC Objective: 'to tackle climate change' [Draft Local Plan, p32, Vision and Objectives 2, Strategic Objectives #7: "tackle climate change and minimise the impact of development on communities..."]

On 1st May Parliament passed a motion declaring a climate emergency. Just when we need to treasure our green spaces more than ever, it's short-sighted indeed to be considering submerging Green Belt, AONB, and ancient woodland under yet more development.

However environmentally friendly a development may be, its carbon footprint will be huge: every cubic yard of concrete is responsible for emitting around 400 lbs of CO2. [World Business Council for Sustainable Development]

And the more we pave the Medway valley, the more flooding there will be - TWBC's 'mitigations' notwithstanding. The water has to go somewhere.

We now know that climate change is happening far faster than was previously thought [Scientific American August 19, 2019]; the UK Met Office now confirms that after 11,000 years of stable global temperatures, there has been a rapid heating in the last twenty years.

[TWBC: see chart in full representation attached].

The UK has a responsibility be at the forefront of change: as the first to industrialise, it has cumulatively contributed more carbon dioxide emissions than most other countries. [Myles Allen, Professor of Geosystem Science, University of Oxford]

The latest reports came in August 2019; the draft Local Plan does not - and could not - take account of them. In the light of new research this development is clearly far from sustainable. The Tudeley project represents the thinking of the past, when we thought we could just take from the planet and give nothing back. We know better now.

1 Can TWBC deliver?

2 i) A history of failure

It's cruel to mock the afflicted, but it must be admitted that TWBC's history on delivering on its projects is not an encouraging one. The election of councillors from outside the old TWBC clique seems to augur well for the future, but there is a long way to go.

Here is what locals call 'the cinema site'. It faces directly onto TWBC's council offices.

[TWBC: see image in full representation attached].

To the frustration of residents, it has presented this appearance for eighteen (yes - 18!) years.

Residents were incredulous that in eighteen years, TWBC was unable to manage this prime site in such a way that it was anything other than an eyesore. The previous structures were demolished in 2001. According to the local newspaper, diggers were finally spotted just last month. [TWBC: see image in full representation attached].

[www.timeslocalnews.co.uk/tunbridge-wells-news/ work-finally-gets-underway-on-the-derelict- cinema-site]

But note that the plan includes a mix of units, to include retail outlets.

Once upon a time, retail could be depended upon to provide an income from any town development; those days are gone. In Tunbridge Wells' main retail centre, Royal Victoria Place, a third of the shops stand empty. [www.kentlive.news/news/kent-news/ nearly-third-royal-victoria-places-1032472]

There is no plan to convert any retail premises to dwellings. (Why not?) Instead, TWBC plans for yet more unsustainable retail outlets. Yet again, TWBC is living in the past.

Next, it turned out that their flagship project for new council offices and theatre was deeply unpopular with residents. Voters turfed out long-established councillors in favour of a single- issue party, the Tunbridge Wells Alliance. After years of planning and expenditure in excess of £10million, the project - known around the borough as 'The Vanity Project' - was finally quashed on October 8 2019.

[TWBC: see image in full representation attached].

At once, TWBC created more problems with its grandiosely-named and similarly costly Public Realm plan, costing £1.3million and driving Monson Road retailers close to bankruptcy. The works started on July 7 2019 and were supposed to finish on September 1, but had not been completed by October 30.

[www.timeslocalnews.co.uk/tunbridge-wells-news/ ten-sets-of-roadworks-on-same-day-bring-the-town-to-a-standstill]

As late as 1 October, local journalist Mary Harris began a social media campaign to save local shops: "What Monson News has on the shelves is all they can afford now to put on there..."

[TWBC: see image in full representation attached].

The draft local plan has already cost over £574,000 and is on track to be 2 years and 2 months behind schedule. And yet it has been rushed through.

[@twellsense analysis, via Twitter]

TWBC's plan offers 'a vibrant and viable town centre'. [4. 5.9]

The Council has "ambitious plans to improve the offer of the town centre with both public and private sector investment, including the Calverley Square project providing a new modern theatre..."

Vibrant and viable? The Calverley Square project is cancelled. The local retail centre is on its last legs. The council's grandiose plans are bringing retailers to their knees.

Do these experiences encourage us to believe that TWBC is competent to manage the Tudeley project, in partnership with a landowner who gives his job title as 'farmer'?

Or do they indicate another expensive omnishambles?

1 ii) A failure to consult

TWBC's draft Local Plan looks to the future - and it's rosy:

"A new garden settlement will have been established at Tudeley Village, including homes, employment, and community facilities: this will continue to develop into the following years. It will be well connected to other settlements..." [Vision and Objectives, 3.2, 1, page 21]

Which 'other settlements' are these, and how will they be connected? The only meaningful one is nearby Tonbridge which has its own housing need. The Tudeley development is located absolutely on TWBC's border with Tonbridge and Malling. It is 1.5 miles from Tonbridge Railway Station, and the best part of 6 miles from Tunbridge Wells Station.

It is clear that all the infrastructure demand will be placed on Tonbridge.

The Local Plan developed for nearby Sevenoaks was recently rejected by inspector Karen Baker for not properly consulting neighbouring authorities, saying:

"My main concern relates to the lack of constructive engagement with neighbouring authorities to resolve the issue of unmet housing need and the absence of strategic cross boundary planning to examine how the identified needs could be accommodated. Indeed, the council did not formally ask neighbouring authorities if they were in a position to address its unmet housing need until just before the Local Plan was submitted for examination.

Any failure of the duty to co-operate cannot be rectified during the examination and therefore the only option is for a report recommending non-adoption to be issued or for the plan to be withdrawn."

So how have nearby TWBC handled their duty to co-operate? The headlines are not encouraging.

[TWBC: see image in full representation attached].

[www.kentonline.co.uk/tonbridge/news/council-blasts-plans-for-thousands-of-new-homes-214496]

Neighbouring Tonbridge and Malling Borough Council knew nothing of the Tudeley plan. When it was revealed in full, T&MBC went so far as to hold a special meeting to discuss it (2 Oct 2019), at which Tonbridge and Malling's mayor said: "I am so angry I can hardly speak".

In his response letter on behalf of T&MBC, Planning Policy Manager Ian Bailey wrote: "TMBC needs to be assured that it will be a key partner". [Response on behalf of Tonbridge and Malling Borough Council (T&MBC) 16.10.2019]

TWBC replied blandly that "The policies specifically state that we will work closely with neighbouring authorities on the infrastructure requirements of the Plan." The inspector may consider this to be a little late in the day, and wonder why it is limited only to infrastructure requirements?

As for residents, the full proposal for Tudeley was only publicly revealed in May 2019: [TWBC: see image in full representation attached].

[Excerpt from letter from Castle Planning of Berkhamsted, Herts, dated 31st July 2019, on behalf of The Save Capel Campaign Group and Capel Parish Council]

Other aspects of the plan were developed years earlier, and indeed, the plan itself was due for publication in January 2019. Was it delayed until May to work up some justification for the so- recently-included plan for Tudeley? Or were the plans kept quiet for as long as possible because TWBC knew they were flawed?

For consistency of approach, the Inspectorate must surely return the plan to TWBC for 'lack of constructive engagement'.

iii) Evidence base impossible in the time

Section 1.30 of the plan states that TWBC has "commissioned and completed a substantial and varied evidence base" [Draft Local Plan, 1.30, p19]

Yet the Tunbridge Wells Green Belt Study, Stage Two, prepared by LUC in July 2017, makes no mention of the Tudeley project - though other parcels are examined in detail. Was Tudeley not included in TWBC's plans at that time?

How can 'a substantial and varied' evidence base have been constructed between publication of the Green Belt Study in July 2017 and the first mention of the scheme in April 2018? Certainly very little time has been allowed to build up "a substantial and varied evidence base". How could such an evidence base be comprehensive without the views of residents? How could those views have been incorporated when the plan became public only in May 2019?

One might conclude that the various arguments in favour of the Tudeley project have been hastily put together to justify, ex post facto, its inclusion in the Draft Local Plan. This view is supported by the failure to consult with neighbouring boroughs: presumably TWBC simply didn't have time to comply with this aspect of the Local Plan system.

1 iv) Non-compliance with NPPF

Does the plan comply with the Local Plan system in other respects? According to the NPPF Consultation Draft p18, it is required to 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."

- . There has been no objective assessment of the area's housing need
- . Plan was not agreed with neighbouring councils eg Tonbridge and Malling
- . Does not balance needs, so is not consistent with sustainable development*

* The term 'sustainable development' is long defined as "development that looks to balance different, and often competing, needs against an awareness of the environmental, social and economic limitations we face as a society" Sustainable Development Commission, 2011

"Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence"

- . Reasonable alternatives (eg brownfield) have not been considered
- . The attraction of dealing with just one-landowner has overridden other concerns
- . No proportionate evidence of alternatives: they have simply been ignored

"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"

- . Not based on cross-boundary working with T&MBC - and others?

"Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework."

- . Not consistent with recent ministerial pronouncements on Green Belt (See also notes on sustainable development above)

In conclusion, it is clear that TWBC's Strategy for Capel Parish fails on many counts. It has failed to follow proper NPPF procedures in consulting with neighbouring boroughs, with calculating its housing need, or taking account of environmental factors.

It dismisses the causes of the national housing crisis without consideration. It proposes a ghetto for the wealthy. It fails to address its own housing need - 1,000 families waiting for housing.

It proudly boasts its plans for affordable homes, conveniently overlooking the fact that they will be affordable only to those with incomes over £100,000.

It is out of date with respect to environmental challenges. It pays insufficient attention to the risks of flooding, promising unspecified mitigations. Without justification, it places a huge percentage of its planned housing entirely on the one fifth of its area which is designated Green Belt. It fails to focus on the 25% of its area which is NOT Green Belt, AONB or SSSI.

TWBC's plan would utterly ruin its biggest heritage asset - the quiet peace of a country churchyard, and a mecca for visitors from far and near, thereby jeopardising its own tourism income.

It offers futuristic but unspecified solutions to its transport problems, dumping them unannounced on its neighbouring borough, whose railway station is already the busiest in south-east England.

It claims to be concerned about climate change, but offers more unspecified and probably non-existent mitigations. It exaggerates the value of its evidence base, and seeks to divert attention from the rushed manner in which its plan for Tudeley has been developed.

It has a record of proposing unworkable plans, spending millions of pounds of ratepayers' money on them, and having them collapse. Residents opine that it is not competent to manage its own parking policy, let alone a major housebuilding project.

It is, in short, a failure.

TWBC's response to the government's call for 'the right homes in the right places' is to come up with the wrong homes in the wrong places.

Question 7

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

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

Supporting Information File Ref No: SI_51a-b

Comment

Consultee	Jenny Dunkin [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jenny Dunkin [REDACTED]
Comment ID	PSLP_883
Response Date	03/06/21 07:43
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road (View)
Status	Processed
Submission Type	Web
Version	0.2
Files	564E300A-1BA1-490A-BF33-449C972C705F.jpeg E49D4A2B-CD84-4F65-AD7F-058D9BF51005.jpeg

Question 1

Respondent's Name and/or Organisation	Jenny and Andrew Dunkin
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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.

AL/RTW 6 land at 230 and 202 Upper Grosvenor Road

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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

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

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

Question 5

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The NPPF is clear that decisions regarding planning policies for new development should protect the environment and ensure safe good quality living conditions for future and existing residents and users.

Three previous applications to redevelop the existing single house and garden at 230 Upper Grosvenor Road, into multiple dwellings and car parking have previously been withdrawn or rejected on multiple grounds. Council Officers found that the plans for multiple dwellings submitted were too dense for the size of the plot, that there would be damage to existing mature trees, that creating road access to the plot would lead to an unacceptable rise in vehicular traffic in terms of noise and air pollution and that there would be an increased risk of road traffic accidents. None of these material facts has changed. Therefore, the adoption of this plot for intensive development is neither of effective nor justified. In respect of road safety it may be demonstrated through a trustworthy road traffic assessment conducted both at peak and off peak times, that pedestrian and road traffic levels have substantially increased since the last planning application was made in 2005, partly due to the changes in local infrastructure, for example the considerable expansion of the retail area at Dowding Way.

The adoption of this plot in to the Local Plan would represent a serious unjustified overdevelopment of the site. The size of the developable area is not large, especially if one artificially inflates the apparent buildable area by counting the existing single track driveway and planned road access in the calculations. The existing site is awkwardly shaped being hard against the railway boundary to one side and adjacent to multiple existing residential properties for the entirety of its length, which means that from the outset the potential of **'ensuring safe and healthy living conditions'** for all is compromised. In order to fit a large number of dwellings on to the small plot there is little option other than to create high rise looming blocks of flats, only single aspect in terms of fenestration, resulting in windowless rooms and internal shared areas, orientated so that the apartments would be either too hot and too bright, or too cold and too dark. There is little room for the provision of worthwhile safe outdoor playareas for children, particularly ones that could be surveilled from indoors, or be safely separated from residents' moving vehicles and road access. The awkward proposed access to the site for vehicles makes it uncertain as to whether a fire appliance, ladders and hoses would be able to reach all units in the development. This would be unsafe and therefore not legally compliant.

In terms of **'safeguarding and improving the environment'** adopting this small plot for the use of any type of large footprint, high density building with hardstanding for car parking will negatively impact the existing and potential future biodiversity of this small area of green space. The trees and garden serve as a respite for all species from noise, light and air pollution and a buffer zone between the busy road and the railway for a large number of existing residents from numbers 194 to 228 Upper Grosvenor Road. For the residents of 232-242 Upper Grosvenor Road their small and only outdoor green space would also be severely compromised. Developers' promises to respect the root drainage and the canopy spread of the many trees subject to Tree Protection Orders on this plot and to include new planting

and soft landscaping in their plans in order to sustain or enhance biodiversity are not protected in terms of policy wording and cannot be assured in terms of the future lifespan of any development.

The NPPF states that new development should **'limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'** The existing single dwelling and garden currently have no negative impacts in this respect and could be described as **'intrinsically dark'**. A high density development with multiple flats using internal lighting, adjacent floodlit parking areas and the intensification of use of the existing, single track access driveway to become a streetlamp lit pedestrian foot and cycle path, will constitute a marked negative change, where light spill impacts both the residential amenity of a large number of people and the biodiversity of the area. This is unsound and not legally compliant with the NPPF. This is evidenced by the Senior Scientific Officer's observations in the Environmental Protection statement, submitted as part of a current Planning Application regarding this plot, dated 26 March 2021: *"I would recommend the attachment of a condition to ensure that neighbouring properties are not affected by light spill from the development."* It is impossible to foresee how any proposed design could light the pedestrian footpath, the vehicle access and the parking areas sufficiently to make them safe for users yet avoid light spill negatively impacting both a large number of existing residents and the environment. (Photograph attached to demonstrate proximity of the currently unlit driveway to existing homes.)

The NPPF also states that planning policies and decisions should protect **'the potential sensitivity of the site or the wider area to impacts that could arise from the development'**. The compact nature and awkward shape of this wedge of land mean that conceiving a design which limits or excludes overlooking is extremely challenging. Developers will rely on the screening provided by existing mature trees on the site. However, a current Planning Application pertaining to this site: 21/00460/OUT evidences how easy it is for developers to use computer generated images to convey an impression of a far taller, broader and generally more substantial tree canopy than is in fact the case and which omits to make visually clear that the majority of these trees are deciduous and so, bare for many months of the year. Therefore, the impact on both existing and future residents' rights to privacy and to avoiding both overlooking and overhearing in their homes cannot be assured by the adoption of this plot for dense development, making it both unsound and not legally compliant.

The NPPF states that **'it should be ensured that...safe and suitable access to the site can be achieved for all users'**. In respect of road safety and the safety of pedestrians this site is ill-suited to an intensification of use of the existing single track driveway to a pedestrian and cycle path between number 228 and numbers 232-242 Upper Grosvenor Road and the additional road access proposed by the demolition of 202, Upper Grosvenor Road.

Upper Grosvenor Road is a long residential road which serves as a main artery for the town. The road is used by large vehicles including lorries and is a bus route for both local buses and frequent rail replacement bus services. In many stretches the road is too narrow to allow two way traffic, not least because there is limited off street parking so many residents are obliged to park on the street. At all times but, especially at rush hour when there are families and children walking to school, drivers frequently mount the curb or abuse the dropped curb at the exact point proposed to be the entrance and exit for pedestrians and cyclists. Drivers frequently exceed the speed limit and there has been more than one fatality and several serious injuries to pedestrians and other road users in this immediate area. (Photograph attached to evidence traffic build-up and resulting congestion with vehicle mounting the curb at the access point for the proposed pedestrian and cycle path.)

The proposed road access to the dwellings to be created by the demolition of the house at number 202 is similarly dangerous and ill-conceived. The road access would join the main road at a bend and on an incline and, unless several residents' front garden and driveway hedges and shrubs are severely cut back, or even removed, it is the case that sight lines in both directions would be severely compromised and would be further impacted when rubbish bins are left out. In winter, low sun further reduces visibility.

At peak times residents of the new development will be forced to queue with idling engines waiting to turn left or right, on to or from Upper Grosvenor Road. This will exacerbate existing congestion and create fumes polluting the air. Queuing or moving traffic along and around the proposed access would severely compromise the environment in terms of noise, fumes and vibrations and the existing residential amenity of a large number of residents in the adjacent and surrounding homes. The close proximity of several private driveways, a bus stop and the junction of Silverdale Lane opposite the proposed access, also increases the risk of accidents in stretch of a road that has seen many accidents including regular damage to residents' parked cars.

For these reasons the adoption of this plot into the local plan would not be compliant with a duty to provide existing and future users with safe access and road safety.

Question 6

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The site is unsuitable for a dense development with multiple dwellings and their accompanying vehicles. There is no justification for cramming blocks of flats on to a small piece of land that is better and more effectively purposed as a green buffer zone offering sustainably built homes to key workers. In terms of modifications, it could be proposed to scrap the demolition of number 202 Upper Grosvenor Road and focus on removing number 230 and replacing it with two family homes. These homes would be accessed using the existing driveway. Residents of the new houses could have parking for a maximum of 4 vehicles not including occasional visitors, this would need to be legally protected to avoid overuse by vehicles. In this way the existing green space and biodiversity would be preserved or even enhanced, road safety would not be seriously negatively impacted and existing residents' amenities would be less compromised. Residents of the new homes would enjoy their privacy and safe garden space.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

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

Adopting this plot of land into the Local Plan will only meet the criteria for sustainability if the scale of any development is mindful of the relevant environmental issues at every stage. Any intensification of plot use increasing from a single to multiple dwellings with accompanying motor vehicles does not represent a sustainable use of land even if steps are taken in an attempt to mitigate against some elements of potential negative impact. The use of power, energy and resources required to build an intense development and the application of largely non-sustainable, non-recyclable, non-eco-friendly

building materials like wise. Large areas of hardstanding and buildings on garden land at the expense of existing trees and wildlife habitat represents the antithesis of sustainability.

If you would like to attach a file in support of your comments, please upload it here. [E49D4A2B-CD84-4F65-AD7F-058D9BF51005.jpeg](#)

If you would like to attach a file in support of your comments, please upload it here. [564E300A-1BA1-490A-BF33-449C972C705F.jpeg](#)

Future Notifications

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Supporting Information File Ref No: SI_26

Comment

Agent	Mr William Hall [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Broadlands Planning Ltd
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr & Mrs Dunlop [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr & Mrs Dunlop [REDACTED]
Comment ID	PSLP_443
Response Date	26/05/21 14:38
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.16
Files	PSLP_443, 457 Broadlands Planning for Dunlop SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Dunlop
Question 2	
Agent's Name and Organisation (if applicable)	Broadlands Planning Ltd.
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR 1 The Development Strategy

Policies Map (Inset Map No(s)) 15; Hawkhurst

[TWBC: This representation has been put against Policies STR 1 and STR/HA 1 - see Comment Numbers PSLP_443 and PSLP_457]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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

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

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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Please see Broadlands Planning supporting letter *[TWBC: Please see supporting documents]*, which sets out why the definition of the Limits to Built Development on Local Plan Inset Map 15; Hawkhurst is not sound, as denying the character and appearance of the continuous built development on the south west boundary of Hawkhurst and north of High Street, with the LBD defined too tightly to the historic core of the centre of Hawkhurst.

Tunbridge Wells Borough Regulation 19 Pre Submission Local Plan 2021. Representations in respect of the proposed Limits to Built Development north of High Street, Hawkhurst, as shown on Inset Map 15; Hawkhurst, and following the terms of Policy STR1; The Development Strategy, Policy STR/HA 1; The Strategy for Hawkhurst Parish, and Inset Map 15; Hawkhurst.

This submission is made on behalf of Mr and Mrs Dunlop and family. I attach a completed form for this representation.

The submission sets out my client's concerns at to the definition and extent of the Limits to Built Development on the south western edge of Hawkhurst and north of the High Street, as set out in;

1. Policy STR1; The Development Strategy;

To achieve, this the Local Plan: 2. Looks to focus new development within the Limits to Development of settlements, as defined on the Policies Map, where proposals accord with the other relevant policies of this Plan;..

2. Policy STR/HA 1; The Strategy for Hawkhurst parish;

'The development strategy for Hawkhurst parish is to: Set Limits to Built Development for Hawkhurst, as defined on the Policies Map (Inset Map 15) as a framework for new development over the plan period.'

3. The delineation of the Limits to Built Development shown on Inset Map 15; Hawkhurst, as drawn to the south west of Hawkhurst and, in particular north of High Street, which approach we consider over restrictive, not justified, and not sound.

We note the terms of the Review of the Limits to Built Development Addressed in the **Limits to Built Development Topic Paper-Regulation 18 Consultation August 2019**, in particular the following;

1.2 Limits to Built Development (LBDs) are used to differentiate between the built up areas of settlements and areas of countryside beyond. Generally, and subject to compliance with other policies in this Plan, there will be a presumption that the principle of proposed development such as infilling, redevelopment, and/or changes of use will be acceptable inside the LBD, while land and buildings outside the LBD will be considered as countryside where there is much stricter control over development.

II. Principles

2.10 The following principles are used to define LBDs:

- 1) LBDs are policy lines drawn around the 'main' built up area of a sustainable settlement – but they do not seek to define settlements as such.
- 2) Land inside the LBD will generally be substantially developed – including buildings, roads (excluding roads on the edge), etc.
- (3) The main land uses outside the LBD will generally comprise of or be used for agriculture, woodland, lakes/ponds, outdoor sports, and leisure, unless surrounded by other development.
- 4) LBD boundaries should normally follow physical features, e.g. roads, walls, field boundaries, although there may be instances where it is appropriate to cut across property curtilages to ensure that local character and/or amenities are protected.
- 5) LBDs need not be contiguous. It may be appropriate for a settlement to have two (or more) separate elements, where this reflects distinct built up parts, e.g. Goudhurst.
- 6) There may be some fringe areas beyond a settlement's more consolidated core, as well as smaller villages/hamlets and enclaves of development in the countryside that do not have a LBD, in order to maintain the overall rural character of an area.

11 Criteria

'Criteria used to determine what should or should not be included within LBD Boundaries;

Any amendment to LBD's should:

(c) ..have no adverse effect on landscape character.

(e).. be of a scale/nature in keeping with the form and function of the settlement and result in no harm to its character, appearance or setting-does it relate more to the built environment or to the surrounding countryside.

(f)..not extend existing features or result in ribbon development

Exclude

1 *Isolated buildings or sporadic/dispersed development e.g individual or small groups of buildings separated from the main built up area of the settlement.*

1V. *large rear gardens or paddocks stretching well out from the built form of the settlement. Where there is an obvious variation in the rear line of garden curtilages along the edge of a settlement, then a striking line will be applied through these to form a uniform edge to the settlement*

We note that;

- . Along High Street the main built up area is linear in character and appearance and does incorporate both the higher density and historic area nearer the core at the central crossroads and the lower density residential areas of detached houses fronting High Street as it extends to the west.

- . The latter is clearly part of the historic development pattern of Hawkhurst as it has grown from its hamlet origins, as is typical of most settlements. It provides an essential range of higher and lower density homes of homes for the residents of Hawkhurst, and is a part of the 'main' and sustainable built area of Hawkhurst.
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My clients **object to the restricted extent of the defined Limits to Built Development on this western edge of Hawkhurst, as shown on Inset Map 15; Hawkhurst.**

We request that the Inspector for the Examination finds it appropriate to extend the Limits to Built Development north of High Street along to the Hawkhurst Hospital.

This request is justified and made on the following grounds;

- . This area is contiguous with the historic core of Hawkhurst, and cannot be characterised as fringe land on the 'edge' of the settlement of Hawkhurst.
- . This area is an integral part of the historic development of the settlement of Hawkhurst, and its developed confines.
- . This is not open 'countryside' land, but part of the built up area of Hawkhurst.
- . This land is substantially developed, including lower density homes in landscaped grounds.
- . The area is well defined and constrained by High Street as the main western entrance to Hawkhurst, and open agricultural fields to the north.
- . The substantial landscaping of the houses, both within their curtilages and along the High Street roadside, contributes materially to the attractive landscape character of this approach the Hawkhurst centre.
- . The incorporation of this area within the defined Limits to Development will not harm its landscaped character.

The inspector is requested to determine accordingly.

[TWBC: For full representation please see supporting documents]

Question 6

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Supporting Information File Ref No: SI_26

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Company / Organisation	Broadlands Planning Ltd
Address	[REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr & Mrs Dunlop [REDACTED]
Address	- - -
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Comment by	Mr & Mrs Dunlop [REDACTED]
Comment ID	PSLP_457
Response Date	26/05/21 14:38
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_443, 457 Broadlands Planning for Dunlop SI-1 Representation.pdf
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- This area is an integral part of the historic development of the settlement of Hawkhurst, and its developed confines.
- This is not open 'countryside' land, but part of the built up area of Hawkhurst.
- This land is substantially developed, including lower density homes in landscaped grounds.
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- The substantial landscaping of the houses, both within their curtilages and along the High Street roadside, contributes materially to the attractive landscape character of this approach the Hawkhurst centre.
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Please see attached Broadlands Planning letter of full representation [TWBC: *Please see supporting documents*], which sets out the case for an extension of the Proposed Limits to Built Development north of High Street, Hawkhurst, on Inset Map 15; Hawkhurst.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_443, 457 Broadlands Planning for Dunlop SI-1 Representation.pdf](#)

Future Notifications

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

Comment

Consultee	Val Severn [REDACTED]
Email Address	[REDACTED]
Company / Organisation	East Malling & Larkfield Parish Council
Address	[REDACTED] [REDACTED] Larkfield [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	East Malling & Larkfield Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_485
Response Date	26/05/21 20:04
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	East Malling & Larkfield Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

If 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 have been asked to respond to the above draft Plan.

It is noted the Plan seeks to meet the assessed housing needs of your Borough within its own boundaries and this is welcomed given the existing system.

However, the Parish Council appreciates the housing figures imposed, in effect, by Central Government have the regrettable consequence of requiring a level of development that ignores much of your Borough is in the Green Belt or Area of Outstanding Natural Beauty.

It would urge your Council, like we have our own Borough to question Central Government policies in this respect including the changes signalled in the Queens Speech which look likely to increase the pressure for more development in the South East and erode still further local peoples' ability to influence local planning.

However, the purpose of this letter is to express our concern about the effect of the housing proposals on this Parish in terms of traffic impact especially from Paddock Wood.

We realise our Borough is especially concerned about traffic impact on Tonbridge Town but we wish to press the case for a proper assessment on the impact on East Malling.

The route through East Malling with its narrow High Street and Chapel Street; low level railway bridge; Width Restriction Order and Conservation Area status with many listed buildings is unsuitable to take more traffic. It would be detrimental to the quality of life of local residents and the Conservation area.

It is also relevant that outside our Parish the crossroads at Watlingbury are an Air Quality Management area and little can be done there to ease the peak time traffic congestion which occurs.

We fear traffic flows from Paddock Wood will increase the numbers using the north-south route from East Peckham via Watlingbury crossroads through East Malling to the A20 and nearby junction 4 of the M20 at Leybourne.

It is considered everything possible should be done to direct such traffic to the A228 which was some years ago re-classified as the north-south route with the dualling of the West Malling By-Pass and down to Junction 4 by a Leybourne By-Pass.

We would also urge improvements, long promised, take place at Colts Hill and we note there is a reference to a by-pass of Golden Green linking to the A228.

In conclusion, we would ask that with KCC who we realise advise your Council on highway issues the effect on East Malling is properly taken into account.

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	Mrs K Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	East Peckham Parish Council
Address	The Jubilee Hall Pippin Road TONBRIDGE TN12 5BT
Event Name	Pre-Submission Local Plan
Comment by	East Peckham Parish Council [REDACTED]
Comment ID	PSLP_1094
Response Date	03/06/21 09:33
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (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	East Peckham Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

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

Question 4a

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

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

Question 5

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Further to the earlier submission by East Peckham Parish Council. East Peckham Parish Council now wishes to put on record our concerns and strong objections to the suggested possibilities (however remote and medium to long-term they may be) at paragraph 4.12 of the Local Cycling and Walking Infrastructure Plan (LCWIP) for the closure to all vehicular traffic, except buses, of the Maidstone Road Railway Bridge and to close Commercial Road to through traffic in effect reinstating measures that had been installed by KCC and subsequently removed.

It is the view of East Peckham Parish Council that this is likely to render access to Paddock Wood Town Centre and its services very problematic for residents of East Peckham, forcing them to use unsuitable rural lanes to the east of Paddock Wood or onto the congested A228 Whetsted Road and B2017 Badsell Road to gain access to the Town Centre and local services. The Parish Council notes that the above possibilities do not appear in the costed proposed set of cycling and walking improvements that are set out in the LCWIP and would hope that the possibilities set out at paragraph 4.12 are nothing more than speculative.

East Peckham Parish Council also notes the possibility of introducing a new bridge and link over the railway to the west of the Town Centre to provide easier access to the northern employment areas and reduce traffic on Maidstone Road, but recognises that this will require extensive discussions between the various landowners/developers and Network Rail.

Question 7

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

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_30

Comment

Consultee	Mrs K Bell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	East Peckham Parish Council
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	East Peckham Parish Council [REDACTED]
Comment ID	PSLP_464
Response Date	27/05/21 09:38
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_464_East_Peckham_Parish_Council_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	East Peckham Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

Policy 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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TWBC Local Plan Pre Submission

Having been discussed during a meeting of East Peckham Parish Council, I write to advise that East Peckham Parish Council reiterates the comments contained within our submission to you in October 2019. Our views have not changed, a copy of that submission is attached.

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 Jonathan Easteal [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jonathan Easteal [REDACTED]
Comment ID	PSLP_1727
Response Date	04/06/21 15:17
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Jonathan Easteal
Question 3	
To which part of the Local Plan does this representation 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 positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I do not believe the plan is sound. The volume of new homes planned for Paddock Wood (approx. 4000) is unreasonable and disproportionate. The town is already having substantial home building which is already a lot but is proportionate to the town and the environment. Building a further 4000 homes is not proportionate and will adversely effect the environment . Further valuable green belt land will be lost as a result of building the 4000 homes. I do not believe that this number of homes is at all justified for Paddock Wood and will destroy the surrounding nature. In addition, the infrastructure of the town cannot support it and plans to improve the infrastructure are, I believe, severely wanting. The development would also exacerbate the risk of flooding in the town. I believe planners have an obligation to maintain the character of Paddock Wood and not undermine the quality of life of existing residents. I don't believe these considerations have properly been taken into account.

Question 6

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I believe the only way to make the local plan sound in respect of the planned home building in Paddock Wood is to undertake building on available brown field sites – of which there are a number to the north of the town. Also the number of homes needs to be substantially reduced in order to not adversely effect the green belt, the infrastructure of the town and the quality of life of existing residents.

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)

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box.

Not Stated

Future Notifications

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

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

Comment

Consultee	Mr Jonathan Easteal [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jonathan Easteal [REDACTED]
Comment ID	PSLP_1406
Response Date	04/06/21 15:32
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood 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	Jonathan Easteal
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 2 The Strategy for Paddock Wood Town Centre	
Question 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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I do not believe the proposal to close Maidstone Road to traffic is sound. It will put residents to huge inconvenience as well as causing drivers to drive even further to get out of town on the north side. Proposals for restricted access on Commercial Road will likewise cause huge inconvenience to residents. I don't believe these plans are reasonable nor proportionate.

They have been developed to solve a problem that I don't believe exists.

Question 6

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The plans for Maidstone and Commercial road should not be approved.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	. No, I do not wish to participate in examination hearing session(s)
--	--

Future Notifications

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

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

Comment

Consultee	Mr David Ebdon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr David Ebdon ([REDACTED])
Comment ID	PSLP_2271
Response Date	04/06/21 08:59
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	David Ebdon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 1 The Development Strategy	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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

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

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

Question 5

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Reference - Development Strategy Topic Paper (sections K 6.218 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk (existing or future)' plus sections K 6.221 and K6.222).

TWBC acknowledge much of their borough is designated an Area of Outstanding Natural Beauty so has limited potential for development forcing by default only Paddock Wood, Tudeley and Capel as 'suitable'. Due to flood plain Zones 1 to 3 (both here and downstream - increased flood risk to existing properties East Peckham, Queen Street, Laddingford and Yalding) makes this proposal both not legally compliant and unsound. Based on these factors - why is TWBC not challenging their Whitehall housing allocation to be based on solely eligible land?

Reference Strategic Site Master Planning and Infrastructure Paper (section 4 Paddock Wood and others). The combined housing proposal for Paddock Wood, Tudeley, Capel plus Maidstone BC proposal for Belting is tantamount to a new town. Surely development on such a scale, which also impacts all nearby districts and the national transport links is a strategic decision for Whitehall? West Kent already has one new town earmarked for the Medway Valley at Burham. I recall David Cameron considered Yalding as a site for a garden city and quickly back tracked due to the flood risk - is the present proposal similar?

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood Sections 4.58 - 4.63. This acknowledges water table is so high flood storage solutions are limited (s4.62), recent flooding of Warrington Road (s4.63) and that building is reliant on local flood defences (s4.59). Conclude even with this knowledge combined with rising sea levels TWBC are prepared to put both new and existing homeowners at even higher flood risk - hope they have deep pockets to cover negligence claims from insurance companies of flooded homeowners - not a good use for the public purse.

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood transport infrastructure. Sections 4.14, 4.24, 4.42, 4.43, 4.44, 4.47, 4.50. Assumes all traffic will leave developments via existing and to be built eastern/south distributor road. Issue compounded by the closure to all buses of the Maidstone Road in central Paddock Wood.

This does not take into consideration vehicles from the new developments of Church Farm and Mascalls Farm developments which wish to travel north (most common - M20 links, Kings Hill plus towns of Maidstone and Medway). Their quickest route will be Queen Street then single track roads of Lucks Lane or Waggon Lane. These are already rat runs at peak times. Unsuitable for heavy use, potential accident blackspots and misery for residents whose homes are positioned very close to the roads (i.e. historic cottages with little or no front gardens). How is TWBC to prevent this?

Reference - Strategic Site Master Planning and Infrastructure Paper - Paddock Wood Section 4.64 - states known drainage issues but 'scale of the betterment required is to be determined as well as how the cost burden can be shared fairly'. Therefore conclude TWBC is aware of the flooding risk however is still prepared to grant developers permission to build without properly calculating costs to make good flood defences, transport infrastructure and sewage treatment systems. Does it reasonably think developers will pay for this unchallenged long after they have built their planned estates? In the words of Greg Clark and KCC - infrastructure first - why does TWBC think differently - competent management of the public purse deems the developers should pay not the taxpayer. If the then cost makes the development unviable then so be it. In the years to come does TWBC really want a similar situation to what happened in Gloucs/Somerset Levels. a couple of winters ago - all due to incompetent approval to build on flood plains.

Question 6

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Background - lived in local area for over 50 years and at present address for the last 10 (Level 3 flood plain zone). Have experienced neighbours having sewerage and water coming into homes - last time 2013 & before current development, ditches came close to flooding last winter (2020). Through a combination of rising sea levels and wetter winters this is going to become more common. Over the years I have witnessed too numerous floods in Yalding as well. Further building whether approved or proposed makes this situation more acute. During this time we have seen a steady increase in traffic levels on Lucks Lane and Queen Street especially around rush hour when traffic volume is constant (excessive for a single track road). Berkeley Homes have said they have never experienced the boggy conditions faced on their Paddock Wood site. Developers are having problems (even in the current housing boom) to sell the Paddock Wood homes with numbers sold to overseas investors. This proves lack of demand (due to flood plain location) and encourages overseas rental properties (not government policy).

Possible Solutions

TWBC challenge Whitehall's housing targets for the borough through the removal of unsuitable land from any equation used to arrive at the target number of homes. This would see the removal of areas of outstanding natural beauty and either flood plain land (or land whose development will affect existing settlements downstream).

Smaller scale developments for each village (for example 100 homes per village). Spreading development reduces the need for infrastructure improvement expenditure, offers homeowners better location choice (maybe with housing reintroducing a better social dynamic to villages), less impact to the countryside.

National policy for new town development - rather than TWBC's current via the back door. My proposal for consideration is Hastings/Bexhill due to the volume of low value land. This would be accompanied by the full dualling of the A21 and improvements to rail links. Such a proposal would not only regenerate this area but would bring employment opportunity throughout the A21 corridor - which would include TWBC area.

Should the development of Paddock Wood go ahead - traffic calming for Queen Street (with possible one way traffic from the railway bridge to the development) and the stopping up of Lucks Lane and Waggon Lane to all but local residents and cyclists

Flood defences for all existing properties in Tudeley, Capel, Five Oak Green, Paddock Wood, Queen Street, East Peckham, Laddingford and Yalding. Backed up by financial compensation underwritten jointly by the developers/TWBC in the event of flooding for the next 50 years.

If TWBC feel their local plan proposals are so beneficial why not put this to a public vote?

Question 7

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

Question 7a

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

In order to express the voice of the public.

The proposals of TWBC do not represent the wishes of local residents.

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	Eddie Coombs [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Eddie Coombs [REDACTED]
Comment ID	PSLP_1141
Response Date	03/06/21 18:14
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mr E & Mrs J Coombs
Question 2	
Agent's Name and Organisation (if applicable)	N/A
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/HA 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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

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

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

Question 5

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AONB

Any development on Site 413 will inevitably damage the AONB. The likely size of the building and the subsequent parking requirements would be absolutely catastrophic to one of the most beautiful and unspoilt areas in the village. The need for lighting for the car park and security of the building would absolutely destroy any semblance of the dark sky policy. It is difficult to believe that anyone could have chosen a more environmentally damaging site to build a Medical Centre.

The Secretary of State Inspector refused earlier appeals for development of this site stating great weight should be given to conserving the landscape and beauty of the AONB, which have the highest status of protection in relation to landscape and scenic beauty. The site is unchanged since this decision 7 years ago and seems to allow no reasonable argument to permit development on this site.

The location of this site would be very difficult to police effectively and would undoubtedly encourage anti-social behaviour, which is currently associated with the existing car parks in the village.

Building the Medical Centre would cause significant damage to existing wildlife, flora and fauna. This would inevitably damage the ecological mitigation area that surrounds Birchfield Grove particularly during the construction period and for the following years.

CHANGES TO LOCAL PLAN

Site 413, which included the Site considered in Policy AL/HA 5 in addition to a hundred houses, was taken out of the Local Plan in mid-December 2020 following a consultation process in which arguments against Site 413's inclusion were advanced including one from KCC Highways who strongly objected to major developments on the grounds that the Hawkhurst crossroads was already severely congested. The new Medical Centre was then allocated to the King George V Playing Fields (KGV) along with the proposed community centre as evidenced in the revised Local Plan at that time. Before 12th January, doctors from the two Hawkhurst practices were in talks with the owner of Fowler's Park (Site 413) and were unwilling to talk to Hawkhurst Parish Council, who was willing to engage with the doctors to find a solution at KGV. It was clear, however, that the doctors had a decided preference for the Site at Fowler's Park. Later in January the owner of Fowler's Park appears to have offered free 0.79 hectares of land within Site 413, big enough to accommodate the combined doctors' surgeries plus related services and parking for over fifty vehicles but without the houses. Clearly such a facility would still generate significant traffic flows and there would seem to be no good reason for its reinsertion to the Local Plan given the reasons for its removal in December 2020. The fact that the 0.79 hectares of land was offered free is not a planning issue and nor is the matter of any preference the doctors have for any given site. The issues of traffic congestion, attendant air pollution and other matters that argued against Site 413 still stand. **The Planning authority is put to proof that genuine and legitimate**

planning issues came to its attention in the second half of January to cause this rapid reversal in its position with regard to the siting of the medical centre.

In addition, at a meeting in early February involving members of both the TWBC planning department and Hawkhurst Parish Council as well as representatives of the doctors, the proposal that the 0.79-hectare Site should be ring-fenced to prevent access to housing development in other parts of Site 413 was considered and rejected. As Rydon holds the access option to Site 413, it would seem that the most obvious reason for the landowner's "generosity" is the increased likelihood of housing development in Site 413 at a later stage, once the Medical Centre becomes established, which is something that would bring significant financial benefits to both the landowner and Rydon.

TRAFFIC

As noted above, the location of the site would result in more cars passing through the crossroads, resulting in even more congestion and also resulting in harmful air pollution. Air pollution is especially important and for very obvious reasons every step should be taken to minimise the risks not to make a bad position worse.

Access to and from the site through Birchfield Grove is clearly unsuitable. The road was never designed to facilitate the increased volume of traffic and congestion would be inevitable especially when deliveries are being made to the residents.

Also the junction between Birchfield Grove and Rye Road has difficult sightlines and increased usage would bring significant risk of serious accidents. This matter was raised previously when a planning application for six dwellings opposite Birchfield Grove was denied on these grounds.

LOCAL PLAN NOT JUSTIFIED

The Policy AL/HA5 cannot be justified, as it has not taken into account any better alternative sites for the Medical Centre.

The King George V Playing Field.

The Hawkhurst Parish Council proposed to release some land so that the Medical Centre would be co-located with the new Community Centre at the KGV and therefore create a community hub. This was a matter that the doctors seemed not willing to discuss with the Parish Council (see Changes of Local Plan above). This land is partly developed so there could be shared parking and utilities and no damaging intrusion on the AONB. If the Medical Centre were sited here, at the more populous area of the village, this would help to ease any congestion on the crossroads and Rye Road.

Hawkhurst Community Hospital

As this is an already developed site, there would be an obvious synergy to having the Medical Centre and the Community Hospital in the same place, which would result in a greater benefit to the community as a whole than sum of their separate parts.

Hawkhurst Golf Club

The current planning application includes provision for a Medical Centre.

NOT CONSISTANT WITH NATIONAL POLICY

The National Planning Policy Framework states that consideration should be given to enhance the landscape and beauty of the AONB and development should be limited. Any development should help to improve the local environment. As stated previously, given the number of better alternatives there is no justification in this development.

Question 6

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

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

The only modification that can make the Local Plan sound in relation to Policy AL/HA5 would be to remove it from the proposed site and place the Medical Centre at one of the alternative sites listed above. We note that the Parish Council has, in this regard, expressed a preference for KGV.

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	Graham Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Golden Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Edwards [REDACTED]
Comment ID	PSLP_1015
Response Date	03/06/21 08:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Graham Edwards
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

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

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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.

Dear Sir, Madam,

I am a resident of Golden Green and have lived here for 8 years. I have lived in this local area with my wife and 2 children, now grown up, for the last 34 years, so I do know the area well.

I wish to express my opposition to STR/SS 1, the proposed new strategy for Paddock Wood and land east of Capel. I do not feel that the proposals are sound, appropriate, or reasonable to build so many new houses in this area for several reasons.

The community response to the Regulation 18 proposals for both STR/SS 1 and STR/SS 3 were very large, however TWBC seems to have ignored these objections.

The planned 4000+ houses for STR/SS 1 will bring a significant increase in traffic and demands upon the local infrastructure. Interestingly, the closest town main town to this proposed development is Tonbridge and not Tunbridge Wells as the development is on the outskirts to the TWBC area.

I understand that there is a proposal to close part of Maidstone Road (B2160), which runs north of Paddock Wood. This makes no sense, as there are in effect only 4 roads into Paddock Wood. To close the main north access, would divert all traffic via the A228 and then due east along the B2017. This is almost certainly to become a major bottleneck for commuter and emergency services, leading to increased pollution and significantly impacting residents. Additionally, Mascalls Academy school is at the junction of B2017 and the B2160, so to bring even more traffic closer to a major local school, I believe to be a poor and incorrect decision.

I do not believe that due consideration has been applied to the impact that such a large increase in housing will have on the local amenities, or of the huge increase to local traffic. Car use will inevitably increase dramatically and I believe that this could be better managed by siting the increased housing much closer to Tunbridge Wells. This would give greater opportunity to improve the public transport network in their own main town, rather than push all the new housing out to out-lying villages and effectively promote a significant increase in car usage.

I urge you to reject the proposals as they stand.

Best regards Graham Edwards

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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Significantly reduce the proposed number of houses to be built and remove the proposed closure of the Maidstone Road

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	Graham Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Golden Green Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Edwards [REDACTED]
Comment ID	PSLP_1012
Response Date	03/06/21 08:20
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	Graham Edwards
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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.

Dear Sir, Madam,

I am a resident of Golden Green and have lived here for 8 years. I have lived in this local area with my wife and 2 children, now grown up, for the last 34 years, so I do know the area well.

I wish to express my opposition to STR/SS3, the proposed new strategy for Tudeley Village. I do not feel that the proposals are sound, appropriate, or reasonable to build so many new houses in this area for a number of reasons.

Firstly, the area that the housing is proposed to be sited, is partially flood plain. This is there for a reason and to cover it with housing and roads and driveways is only to push the flood problem on somewhere else. There does not seem to be a coherent and sensible approach to managing the flood issue. To defer this very important matter to further down the planning cycle is in my view naive and simply assumes that this matter can be dealt with satisfactorily at a later point.

TWBC are opting to create a significant number of houses right on the boundary of their area, nicely out of the way of their own larger towns, reap the benefits of the council tax and "dump" the infrastructure problems, such as schools, doctors surgery etc, onto Tonbridge and Malling. This seems cheeky at best ! In reality, it is a very poor decision to create a mess and walk away, such that it doesn't affect TWBC, other than reap the financial rewards. It seems that the proposal to go with a couple of very large housing developments, that satisfy TWBCs housing requirements, that does not include brown field sites as the preferred option, is to simply take the easiest route for Tunbridge wells planning and council.

The addition of so many houses will significantly increase the local traffic. The main arterial roads local to me, such as the A26 and the B2017 into Tonbridge, especially at rush hour are already at walking pace. This creates significant pollution, impacts the environment and increases costs to businesses and time to everyone impacted. The A26 from Hadlow to Tonbridge frequently tails back to Three Elm Lane already. With the proposed closure of Hartlake Road, this will be even worse. The proposed closure of this road seems to make no sense at all. This route is used frequently, especially by locals to get quicker and more efficient access to the A21 to head south or north. Without this, we will be forced to have to work our way through Tonbridge, which increases time and fuel costs and adds to even more congestion. The alternative routes for me to access Tunbridge Wells or anywhere South will either mean going west to pick up the A26 and work my way through the centre of Tonbridge or out east via East Peckham and then south using the A228, which is a much longer route. Both of these increase pollution, exacerbate already busy roads and increase time and costs.

The proposed development at Tudeley will bring with it 1,000s more cars as typically most families have a car, frequently 2 per household. TWBCs proposals to negate this with an additional railway station on the main line has been opposed by the railway authorities, as the busy east-west main line to Ashford / Folkstone already has 2 stations relatively close to each other, Tonbridge, and Paddock

Wood. An additional station in between would have a significant impact on timetables. When questioned at a public meeting, which I attended at Somerhill school, at the Regulation 18 stage, about the additional congestion from the extra vehicles that such a large number of houses would bring to an already overloaded infrastructure, their response was that they would promote cycling. This is simply ridiculous along even the main roads which are narrow, with no footpath and hilly.

I am astounded that TWBC do not want the increased population that this proposal will bring to be sited much closer or within their main town of Tunbridge Wells. This would create much greater opportunities for both using brown field sites and enhancing a local bus / public transport network.

Tunbridge wells response to the wide and significant objections to Regulation 18, seem to have been largely ignored, perhaps assuming that if they just keep ploughing on, it will all be accepted. This could not be further from the truth.

I do not believe that the impact of the proposed significant increase in housing has been fully considered and the detrimental affect on the neighbouring town – Tonbridge and out-lying villages such as Golden Green.

Representation from Local Councils, Members of Parliament and many, many residents, all opposed to the current plans have been seemingly ignored by TWBC. I urge you to reject the plans and significantly reduce the number of proposed housing for Tudeley.

Best regards

Graham Edwards

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	Jo Edwards ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jo Edwards ([REDACTED])
Comment ID	PSLP_1334
Response Date	04/06/21 15:48
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Jo Edwards, Sport England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

STR/PW 1 (6)

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

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

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

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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.

In the Council's Reg 18 draft Local Plan policy AL/PW 4 the site was proposed to be allocated for the provision of a community hub subject to requirements including.

- 1 An assessment has been undertaken which has clearly shown the area of playing field which would be lost as a result of the development is surplus to requirements; or the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;

In the current draft policy this requirement has been removed, as have two other requirements for the site's development.

The submission draft policy is not now compliant with paragraphs 96 or 97 of the NPPF or Sport England's Playing Field Policy

Question 6

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This policy should be amended to include the requirement for any development on this site to demonstrate that, an assessment has been undertaken which has clearly shown the area of playing field which would be lost as a result of the development is surplus to requirements; or the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location;

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:

The policy as drafted is clearly contrary to the Council's evidence base for playing pitches provided by its Playing Pitch Strategy 2018 in which it is stated in several sections that the site should be protected unless its loss is justified or mitigated in accordance with Sport England's policy.

The omission of this requirement now has not been justified. The current planning application relating to this development does not comply with Sport England's policy and the Local Plan policy appears to have been redrafted to enable its requirement and that of paragraphs 96 and 97 of the NPPF to be overlooked.

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	Jo Edwards ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jo Edwards ([REDACTED])
Comment ID	PSLP_1347
Response Date	04/06/21 16:00
Consultation Point	Policy AL/CRS 4 Cranbrook School (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation Jo Edwards, Sport England

Question 3

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

Question 3a

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

Policy AL/CRS 4

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

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

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

Question 5

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It is not clear in the policy as drafted that any playing field land proposed to be lost should be subject to an assessment having been undertaken which has clearly shown the area of playing field which would be lost as a result of the development is surplus to requirements; or the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location as required by paragraph 97 of the NPPF and Sport England's Playing Field Policy.

Question 6

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

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An additional criterion requiring the above should be added to the policy. Sport England will object to any development proposals for the school's land that it considers does not comply with paragraph 97 of the NPPF or its Playing Field Policy.

Question 7

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

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

Comment

Consultee	Jo Edwards ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jo Edwards ([REDACTED])
Comment ID	PSLP_1357
Response Date	04/06/21 16:24
Consultation Point	Policy OSSR 1 Retention of Open Space (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation Jo Edwards, Sport England

Question 3

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

Question 3a

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

OSSR 1

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

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

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

Question 5

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

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

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

The draft policy says that existing open space, sport and recreation facilities will be retained unless allocated in the plan for another purpose/ use/ development.

It is not clear in the wording of this policy if the requirement for these allocations to be assessed in accordance with paragraph 97 and Sport England's Playing Field Policy has already been addressed, or if this will be required in relation to any development proposals that come forward on them.

It is recognised that the individual allocation policies including for Culverden Stadium, Colebrook Rec, and King George V Playing Fields do identify these as a required criteria for development but, on other sites i.e. Cranbrook School and Memorial Park Recreation Ground, this is not an identified requirement for development.

Criteria 4. of the policy is not consistent with paragraph 97 of the NPPF or Sport England's Playing Field Policy.

Question 6

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

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1. The policy should be amended to clarify that where sites in existing or last in use for sport or recreation use are allocated for another purpose / use / development that this is subject to

An assessment having been undertaken which has clearly shown the area of playing field which would be lost as a result of the development is surplus to requirements; or the loss of playing fields resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

2. Criteria 4 of the policy should be deleted

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:

This policy is not consistent with paragraph 97 of the NPPF or Sport England's policy.

Future Notifications

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

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

Comment

Consultee	Miss Georgia Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Georgia Edwards [REDACTED]
Comment ID	PSLP_320
Response Date	17/05/21 11:38
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	HB
Question 1	
Respondent's Name and/or Organisation	Georgia Edwards
Question 3	
To which part of the Local Plan does this representation 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_320, PSLP_321 and PSLP_322]

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 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:

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

Comment

Consultee	Miss Georgia Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Georgia Edwards [REDACTED]
Comment ID	PSLP_321
Response Date	17/05/21 11:38
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	Georgia Edwards
Question 3	
To which part of the Local Plan does this representation 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_320, PSLP_321 and PSLP_322]

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:

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

Comment

Consultee	Miss Georgia Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Miss Georgia Edwards [REDACTED]
Comment ID	PSLP_322
Response Date	17/05/21 11:38
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	Georgia Edwards
Question 3	
To which part of the Local Plan does this representation 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 PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_320, PSLP_321 and PSLP_322]

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:

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

Comment

Consultee	Mr Christopher Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Christopher Edwards [REDACTED]
Comment ID	PSLP_312
Response Date	18/05/21 11:38
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	HB
Question 1	
Respondent's Name and/or Organisation	Christopher Edwards
Question 3	
To which part of the Local Plan does this representation 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_312, PSLP_314 and PSLP_315]

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:

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

Comment

Consultee	Mr Christopher Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Christopher Edwards [REDACTED]
Comment ID	PSLP_314
Response Date	18/05/21 11:38
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Christopher Edwards
Question 3	
To which part of the Local Plan does this representation 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_312, PSLP_314 and PSLP_315]

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:

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

Comment

Consultee	Mr Christopher Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Christopher Edwards [REDACTED]
Comment ID	PSLP_315
Response Date	18/05/21 11:38
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	Christopher Edwards
Question 3	
To which part of the Local Plan does this representation 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 PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_312, PSLP_314 and PSLP_315]

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 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:

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

Comment

Consultee	Mr Daniel Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Daniel Edwards [REDACTED]
Comment ID	PSLP_316
Response Date	15/05/21 11:38
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	HB
Question 1	
Respondent's Name and/or Organisation	Daniel Edwards
Question 3	
To which part of the Local Plan does this representation 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_316, PSLP_317 and PSLP_318]

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:

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

Comment

Consultee	Mr Daniel Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Daniel Edwards [REDACTED]
Comment ID	PSLP_317
Response Date	15/05/21 11:38
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Daniel Edwards
Question 3	
To which part of the Local Plan does this representation 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_316, PSLP_317 and PSLP_318]

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:

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

Comment

Consultee	Mr Daniel Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Daniel Edwards [REDACTED]
Comment ID	PSLP_318
Response Date	15/05/21 11:38
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	Daniel Edwards
Question 3	
To which part of the Local Plan does this representation 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 PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_316, PSLP_317 and PSLP_318]

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:

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

Comment

Consultee	Mrs Anne Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Edwards [REDACTED]
Comment ID	PSLP_308
Response Date	15/05/21 11:38
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Anne Edwards
Question 3	
To which part of the Local Plan does this representation 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_308, PSLP_310 and PSLP_311]

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 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:

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

Comment

Consultee	Mrs Anne Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Edwards [REDACTED]
Comment ID	PSLP_310
Response Date	15/05/21 11:38
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	Anne Edwards
Question 3	
To which part of the Local Plan does this representation 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_308, PSLP_310 and PSLP_311]

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:

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

Comment

Consultee	Mrs Anne Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Anne Edwards [REDACTED]
Comment ID	PSLP_311
Response Date	15/05/21 11:38
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	Anne Edwards
Question 3	
To which part of the Local Plan does this representation 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 PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_308, PSLP_310 and PSLP_311]

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

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

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

The 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

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

Question 7a

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

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

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

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

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.

3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.
5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.
8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

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

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

Comment

Consultee	Alison Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Alison Edwards [REDACTED]
Comment ID	PSLP_1160
Response Date	03/06/21 21:24
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	Alison Edwards
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

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

I have been a resident of Golden Green for the last 8 years and have lived in the local area for 35 years. I am a local Practice Nurse, working in a local GP surgery, as well as more recently delivering the COVID vaccination programme. This means that I have to frequently travel in all directions across the surrounding area.

I have brought up my 2 children, who attended local schools and we have all attended church and clubs locally for the last 35 years.

In this time, the traffic congestion has definitely increased and the ability to park has also become more difficult. Local GP practices are very busy and getting an appointment takes much longer than it used to and is now frequently several days. As a Practice Nurse in a GP practice myself, I can see that the whole service is under mounting pressure and will soon be overwhelmed.

The main issues with the STR/SS 1 plans and proposals are the significant impact it will have on the local area. The proposed new housing will eliminate 800 acres of greenbelt. This is an area where I love to walk regularly to keep healthy for my mental well-being. Covid restrictions and the lockdowns have taught us to value our countryside more and how important it is to each and everyone of us. As the population grows, it is more important than ever that people have space to roam the countryside locally without having to use their cars. They also need good quality locally produced food which needs agricultural land. The plan if adopted would destroy 100s of acres of agricultural land. We need more of this land not less to support our ever- growing population and for the country to be more self-sufficient, especially in light of Brexit.

The proposed development is also in a high flood risk area (Tudeley) and flood plain (East Capel) which seems madness when the river Medway now floods regularly during the winter months. This water desperately needs somewhere to go. The proposed covering of land will reduce the flood plain capacity and increase the flooding depth by concentrating it into a smaller area. This is then likely to significantly impact other villages further downstream.

At the moment (2021), approximately 2,500 people live in Capel. The proposed development will increase the population to around 13,500. The majority of families will have at least one car and frequently two or more, leading to a significant rise in air pollution and a dramatic affect on the local traffic, especially at rush hour. It seems such a disproportionate increase to add so many dwellings (500% rise), destroying a rural parish, right next to Tonbridge. Tunbridge Wells borough council will receive all the council tax for this, but Tonbridge will have to suffer the increased traffic, car parking, demand on GP Surgeries and schools. There will also be a significant and long-lasting impact of disruption and hassle to the local residents of all surrounding villages during the building phase of this huge number of houses.

I believe that there has been inadequate pursuit of using alternative sites, such as Castle Hill, Blantyre and brown field sites within the TWBC area, especially more local to Tunbridge wells town.

I strongly oppose this plan.

Alison Edwards

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	Alison Edwards [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Alison Edwards [REDACTED]
Comment ID	PSLP_1158
Response Date	03/06/21 21:22
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Alison Edwards
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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The main issues with the STR/SS 3 plans and proposals are the significant impact it will have on the local area. The proposed new housing will eliminate 800 acres of greenbelt. This is an area where I love to walk regularly to keep healthy for my mental well-being. Covid restrictions and the lockdowns have taught us to value our countryside more and how important it is to each and everyone of us. As the population grows, it is more important than ever that people have space to roam the countryside locally without having to use their cars. They also need good quality locally produced food which needs agricultural land. The plan if adopted would destroy 100s of acres of agricultural land. We need more of this land not less to support our ever- growing population and for the country to be more self-sufficient, especially in light of Brexit.

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I believe that there has been inadequate pursuit of using alternative sites, such as Castle Hill, Blantyre and brown field sites within the TWBC area, especially more local to Tunbridge wells town.

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Alison Edwards

Question 6

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I believe that further consideration could and should be made to the Castle Hill site as an alternative.

In addition, the number of houses should be significantly reduced

Question 7

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

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

Future Notifications

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

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

Comment

Consultee	Mr Ahmed Elgamal ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Pembury Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Ahmed Elgamal ([REDACTED])
Comment ID	PSLP_2007
Response Date	04/06/21 11:32
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road (View)
Status	Processed
Submission Type	Other
Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Ahmed Elgamel
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/PE 3 Land north of the A21, south and west of Hastings Road	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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.

Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

Schools and doctors' surgeries are already at capacity with waiting lists (I speak from personal experience).

Also not having enough parking spaces outside the residential address means there will be struggle for the current residents to park outside their own property and struggle for any road users to use the road since it will turn into one lane system.

No provision has been considered or even suggested by TWBC to make allowances for this.

Without doubt, this proposal has been pushed through very quietly and, without adequate consultation with the local residents and I question the legality of the approval.

Now we are aware we shall ensure that all local residents likely to be impacted by the proposed development are canvassed, fully informed (as TWBC should have done) to ensure everyone is aware of the local impact this might have.

We were only informed by a local neighbour 3 weeks ago of this proposal and there were no plan posts or flyers anywhere around the field that suggests that there was a plan permission submitted for this proposal!!!

I suggest that, any proposed project/ development works now be put on hold until all residents are given adequate notification, full development detail and, the opportunity to seek representation.

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.

Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

Question 7

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

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

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

Question 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:

See above Section 6

Question 8

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

See above Section 6

See above Section 6

[TWBC: Comments from Section 6 and 5 stated below for ease of reference]

Section 6

Development of the land contained in the above map should be removed from the Local Plan for reasons stated above.

Section 5

Aside of the flood risk and traffic hazard detailed in other representations, the issue with already stretched local civic resources also need to be taken into consideration.

Schools and doctors' surgeries are already at capacity with waiting lists (I speak from personal experience).

Also not having enough parking spaces outside the residential address means there will be struggle for the current residents to park outside their own property and struggle for any road users to use the road since it will turn into one lane system.

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I suggest that, any proposed project/ development works now be put on hold until all residents are given adequate notification, full development detail and, the opportunity to seek representation.

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	R Elliott [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	R Elliott [REDACTED]
Comment ID	PSLP_1066
Response Date	03/06/21 13:12
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	R Elliott
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STRA/HA/1, HA2, HA3, HA4, CRS1 and CRS3 AL/SA 1, AL/SA 2	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

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

Question 5

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

For all of these reasons, and in addition, these policies will not preserve and certainly will not enhance the AONB. This is contrary to NPPF para 172.

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

1. Remove CRS3 (Cranbrook Turnden site)
2. Modify CRS1 to reflect reduction of overall housing numbers in Cranbrook as a result of the removal of CRS3 and/or CRS/1
3. Remove HA4 (Copthall allocation)
4. Modify HA1 to reflect reduction in overall housing numbers in Hawkhurst

5. Modify HA2 and HA3 to incorporate wording from existing Local Plan Policy AL/HA1 in order to retain and reinforce Area of Landscape Importance as part of any new proposal put forward for planning permission
6. Further modify HA1 to emphasise that development outside the Limits of Built Development will not be permitted save unless it is a recognised exception from elsewhere in the plan.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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

Comment

Consultee	Jeremy Elsom [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jeremy Elsom [REDACTED]
Comment ID	PSLP_994
Response Date	04/06/21 14:09
Consultation Point	Policy ED 5 Conversion of Rural Buildings outside the Limits to Built Development (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Jeremy Elsom
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
ED5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

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

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

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

Question 5

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Policy ED5 of the Pre-Submission Local Plan (PSLP) is not "Sound" in terms of the revised NPPF for the following reasons:

1. It has not been positively prepared. It is a confused Policy that seeks to deal with employment, redundant buildings, historic buildings and Tourism in one policy in the Economic Development section of the plan. The overriding needs of the Borough are the provision of housing but Policy ED5 prioritises employment use over residential use with regard to disused rural buildings.

2. It is not justified or effective, the evidence argues in favour of prioritising residential use in redundant farm buildings not employment. The approach of promoting employment uses in these buildings is a historic one that predated the significant change in National Policy with regard to allowing employment buildings to go to residential use.

3. It is inconsistent with National Planning Policy contained in the revised NPPF and in the T&CP (General Permitted Development) (England) Order 2015. The criteria in the Policy with regard to giving preference to employment uses over residential use is not justifiable in planning terms, is contrary to National Planning Policy and could result in a negative impact on housing supply.

The NPPF seeks a 'significant boost to housing delivery' and contains lengthy and specific requirements to measure and meet housing targets. While it also acknowledges the importance of employment development it is clear that housing delivery is the most significant issue. As part of this provision Para 68 of the NPPF supports the development of windfall sites as does Para 4.15 of the Local Plan and Para 79 of the NPPF supports the re use of redundant buildings in the countryside for residential use.

Furthermore Government Policy in Schedule 2, Part 3 of the T&CP (General Permitted Development) (England) Order 2015 specifically allows redundant farm buildings to go to residential use without any requirement that they first be tested for an alternative economic use or be of historic merit. The overall purpose of the General Permitted Development Order is to fast track non contentious development and specifically with regard to redundant rural buildings was to provide much needed additional residential units. Furthermore the GPDO generally gives permitted development rights to changing business and storage uses to residential development.

Thus the thrust of National Planning Policy is to prioritise residential over employment uses and specifically the use of redundant rural buildings for residential use. In direct conflict Policy ED5 supports economic use for such buildings and only permits residential use in exceptional circumstances. Thus the approach in Policy ED5 is clearly at odds with the revised NPPF and other National policy with regard to this matter.

Policy ED5 provides very onerous tests with regard to demonstrating that rural buildings should first be considered for employment uses which includes the requirement for a lengthy 18 month marketing period which will be highly onerous to the applicant and goes against the principle of rapid decision making. Policies should only be adopted if they can be justified in terms of meeting specific planning objectives and safeguarding against specific planning harm. Policy STR1 identifies the need for a further 14 ha of employment land in the Borough up to 2038 based on the Economic Needs Study (ENS) that was carried out for Tunbridge Wells and Sevenoaks in 2016. Para 4.56 of the Plan and the adjoining Table 5 in the Plan show gross employment allocations of 26.5 ha with a net developable area of 25.8 ha. Thus there is a very healthy economic land supply situation.

The ENS only makes general references to rural employment provision and that converted rural buildings only make a small contribution to Employment land supply and new employment provision should be made adjoining existing major employment areas or close to good transport links. With regard to “**existing**” employment sites it says in Para 10.32 that these should be protected but **consistent with the provisions of the NPPF**. It suggests marketing evidence over 2 years should be provided to support a change of use and the the Council have misinterpreted this to apply it to rural buildings that are not existing employment sites. In its conclusions it does say that the council should react positively to applications for employment use in rural buildings but not to the extent that it should override other uses. The Economic Development Topic Paper puts forward a permissive approach to rural businesses but again there is no in depth need analysis and no justification to override other policies. Thus in terms of provision there is no justification to prioritise employment over residential use with regard to conversion of these buildings.

It is also noteworthy that Policy ED5 allows redundant farm buildings to go to Tourism use without having to meet any of the tests for residential use. This also demonstrates that there is not an overriding need for these buildings to be used for economic purposes and it is clearly wrong that Tourism should be given priority over housing provision under current National and Local Planning Policies. As stated above the need for residential units should have priority or at least be on par with the need for economic units and therefore there is no justification for the onerous tests in the Policy with regard to the residential use of rural buildings and therefore no material harm can be shown for giving residential use as a priority for the conversion of rural buildings. This would be in line with recent National Planning Policy.

There is also an objection to criteria (a) in Policy ED5 which is that buildings for conversion to residential use should have historic or architectural value. This again implies, contrary to National Policy that residential use is in some way onerous and needs special justification. Furthermore the criteria confuses the need to preserve buildings of historic or architectural merit which is covered by other policies in the Plan and making the best use of redundant buildings in rural areas. In para 6.472 in explanation of Policy ED5 it acknowledges the importance of rural buildings generally and states;-

“Many of the existing buildings are of historic or architectural interest...others are not of historic or architectural interest but rather of a more functional appearance, however they are still reflective of the rural character and landscape”.

Para 79(c) of the NPPF only refers to “the development would re-use redundant or disused buildings...” there is no requirement for them to be of historic or architectural interest. Criteria (a) is therefore unnecessary in planning terms, and contrary to National Planning Policy. So are criteria (b) and (d) which are not required under Class Q of Part 3 of Schedule 2 of the GPDO 2015. Criteria (c) would be covered by other legislation and is not necessary.

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.

In order to meet these objections the following changes should be made:-

Proposed changes to Policy ED5:- First sentence of first paragraph should include reference to residential development and the second sentence should be deleted. Criteria 7 should refer to Gardens. Criteria (a) (b) (c) and (d) should be deleted. Delete Para 6.478 and Criteria 7 of Para 6.480, all references to criteria (a) (b) (c) and (d) and make any other amendments needed in the explanatory text to be consistent with the proposed policy changes.

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:

This topic raises important issues with regard to the relationship between National and Local Policy considerations. I am a qualified planning consultant who ran a major Planning consultancy in London for many years and I feel I could assist the Hearing.

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	Anja Ennis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anja Ennis [REDACTED]
Comment ID	PSLP_1059
Response Date	03/06/21 12:15
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Mrs Anja Ennis
Question 3	
To which part of the Local Plan does this representation 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	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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

I have lived in Paddock Wood for 40 years. It used to be a lovely town. The fields and countryside were stunning and it felt very rural; now the entire town is a mass of concrete. We do not need to double the size of the town with expensive houses, which locals cannot afford and would not buy anyway as they are, or will be, built on a flood plain, which is against National Policy. As there is no local market, the houses are being marketed in Hong Kong as Buy To Let.

As the town expands the flooding will only get worse as trees, hedges and drainage ditches are removed or concreted over. Traffic is terrible, particularly during rush hours and school drop-off/collection times. East Capel is a small village; it doesn't have the infrastructure to be able to take on anything like this size of over-development. It will ruin the current village.

It is not necessary to build on Green Belt Land and productive farmland. With Brexit it will be more important for us to be able to grow our own food, not just locally but on a national level.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
--	---

Comment

Consultee	Anja Ennis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anja Ennis [REDACTED]
Comment ID	PSLP_1065
Response Date	03/06/21 12:38
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Mrs Anja Ennis
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR6 2b) Low Traffic Town, possible closure of Paddock Wood Railway Bridge to vehicles as part of the Local Cycling & Walking Infrastructure Plan	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	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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With particular reference to the sections of the LCWIP page 48 Section 4.12:

Low Traffic Town: The Maidstone Road railway bridge provides the only vehicle access over the railway line in Paddock Wood. Consequently, it is the focus of a high proportion of vehicle trips in the town. The concept of a 'Low Traffic Town' would expand upon the Low Traffic Neighbourhood principle recommended in this report by removing vehicle access over the railway bridge except for bus services. This is likely to reduce the number of vehicle trips in the town which in turn would improve conditions for walking and cycling and create further opportunities for improving the town's streetscapes.

Commercial Road: this is the main high street in Paddock Wood and should be the key public space in the town. Instead, its layout is primarily focussed on accommodating through traffic, providing access to car parks, and enabling access for larger vehicles (>7.5t). Consequently, the resulting streetscape does not fulfil its potential as the key street in the town. To achieve more significant change, the current vehicle access and parking facilities would need to be reviewed and considered for removal to create a healthier, greener, and more attractive High Street. This approach would build upon KCC's previous EATF design arrangement which also removed through access for vehicles.

This is a reprehensible plan for anybody with any mobility issues. My daughter is 2 and has many health problems. She can neither walk nor cycle, nor is she likely to in future. My mother is 79 and cannot walk very far or stand for very long. We live on the same road with the railway bridge between us. In the event of a fall her lanyard would telephone me to come to her assistance but the bridge closure would mean a long detour for me to get to her. This detour would quadruple the mileage I, and many others living on the Hop Farm side of the bridge, would have to drive daily. The closure of a section of Commercial Road requiring disabled people to walk further to access shops would also seriously affect our family and would cause a lack of trade to the local businesses as people would avoid more inaccessible Paddock Wood to shop elsewhere more convenient and accessible.

Question 7

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

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

Future Notifications

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

Comment

Consultee	Anja Ennis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anja Ennis [REDACTED]
Comment ID	PSLP_1095
Response Date	03/06/21 14:23
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Mrs Anja Ennis
Question 3	
To which part of the Local Plan does this representation 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/SS2	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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I have lived in Paddock Wood for 40 years. It used to be a lovely town. The fields and countryside were stunning and it felt very rural; now the entire town is a mass of concrete. We do not need to double the size of the town with expensive houses, which locals cannot afford and would not buy anyway as they are, or will be, built on a flood plain, which is against National Policy. The current town population of Paddock Wood is about 8,400 people and with approximately 3,500 houses planned in Paddock Wood and another 2,800 in Tudeley 2 miles away, the local population is likely to be flooded with another 12,000 plus people. It is unsustainable. As the town expands the flooding will only get worse as trees, hedges and drainage ditches are removed or concreted over. Traffic is terrible, particularly during rush hours and school drop-off/collection times. East Capel and Tudeley are small villages; they don't have the infrastructure to be able to take on anything like this size of over-development. It will ruin the current villages and Paddock Wood. It is not necessary to build on Green Belt Land and productive farmland. With Brexit it will be more important for us to be able to grow our own food, not just locally but on a national level. We should use Brownfield sites rather than dumping 6,000 new houses in an area of outstanding natural beauty that has historically been productive farming land, and which protects Paddock Wood from flooding.

Question 7

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

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

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--	---

Comment

Consultee	Anja Ennis [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anja Ennis [REDACTED]
Comment ID	PSLP_1064
Response Date	03/06/21 12:21
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	Mrs Anja Ennis
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

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

Question 5

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Question 7

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

- . 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	Duncan Ennis [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Duncan Ennis [REDACTED]
Comment ID	PSLP_1077
Response Date	03/06/21 13:18
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	Mr Duncan Ennis
Question 3	
To which part of the Local Plan does this representation 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	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

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

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

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

Question 5

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I have lived with my wife in Paddock Wood for 7 years and I grew up in Matfield. It used to be a lovely town. The fields and countryside locally were very rural and green; now the entire town is a mass of concrete with more developments beginning every day. We do not need to double the size of the town with expensive houses, which locals cannot afford and would not buy anyway as they are, or will be, built on a flood plain, which is against National Policy.

As the town expands the current flooding will only get worse as trees, hedges and drainage ditches are removed or replaced by housing estates. Traffic is terrible, particularly during peak hours and school drop-off/collection times. East Capel is a small village; it doesn't have the schools, shops, doctors or road infrastructure to be able to take on anything like this size of over-development. It will ruin the current village. It is not necessary to build on Green Belt Land and productive farmland. With Brexit it will be more important for us to be able to grow our own food, not just locally but on a national level.

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	Duncan Ennis [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Duncan Ennis [REDACTED]
Comment ID	PSLP_1080
Response Date	03/06/21 13:23
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.4

Question 1

Respondent's Name and/or Organisation	Mr Duncan Ennis
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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 STR6 2b) Low Traffic Town, possible closure of Paddock Wood Railway Bridge to vehicles as part of the Local Cycling & Walking Infrastructure Plan

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	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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With particular reference to the sections of the LCWIP page 48 Section 4.12:

Low Traffic Town: The Maidstone Road railway bridge provides the only vehicle access over the railway line in Paddock Wood. Consequently, it is the focus of a high proportion of vehicle trips in the town. The concept of a 'Low Traffic Town' would expand upon the Low Traffic Neighbourhood principle recommended in this report by removing vehicle access over the railway bridge except for bus services. This is likely to reduce the number of vehicle trips in the town which in turn would improve conditions for walking and cycling and create further opportunities for improving the town's streetscapes.

Commercial Road: this is the main high street in Paddock Wood and should be the key public space in the town. Instead, its layout is primarily focussed on accommodating through traffic, providing access to car parks, and enabling access for larger vehicles (>7.5t). Consequently, the resulting streetscape does not fulfil its potential as the key street in the town. To achieve more significant change, the current vehicle access and parking facilities would need to be reviewed and considered for removal to create a healthier, greener, and more attractive High Street. This approach would build upon KCC's previous EATF design arrangement which also removed through access for vehicles.

This is a ridiculous plan for anybody with any mobility issues. My daughter is 2 and is disabled. She can neither walk nor cycle, nor is she likely to in future. My mother-in-law is 79 and cannot walk very far or stand for very long. We live on the same road with the railway bridge between us. In the event of a fall her lanyard would telephone my wife to come to her assistance but the bridge closure would mean a long detour for us to get to her. This detour would quadruple the mileage I, and many others living on the Hop Farm side of the bridge, would have to drive daily. The closure of a section of Commercial Road requiring disabled people to walk further to access shops would also seriously affect our family and would cause a lack of trade to the local businesses as people would avoid more inaccessible Paddock Wood to shop elsewhere more convenient and accessible.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

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	Duncan Ennis [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Duncan Ennis [REDACTED]
Comment ID	PSLP_1079
Response Date	03/06/21 13:20
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	Mr Duncan Ennis
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

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

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

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

Question 5

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I have lived with my wife in Paddock Wood for 7 years and I grew up in Matfield. It used to be a lovely town. The fields and countryside locally were very rural and green; now the entire town is a mass of concrete with more developments beginning every day. We do not need to double the size of the town with expensive houses, which locals cannot afford and would not buy anyway as they are, or will be, built on a flood plain, which is against National Policy. As the town expands the current flooding will only get worse as trees, hedges and drainage ditches are removed or replaced by housing estates. Traffic is terrible, particularly during peak hours and school drop-off/collection times. Tudeley is a small village; it doesn't have the schools, shops, doctors or road infrastructure to be able to take on anything like this size of over-development. It will ruin the current village. It is not necessary to build on Green Belt Land and productive farmland. With Brexit it will be more important for us to be able to grow our own food, not just locally but on a national level.

Question 7

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

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

Future Notifications

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

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

Comment

Consultee	Mr & Mrs Kevin & Lesley Entacott [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr & Mrs Kevin & Lesley Entacott [REDACTED]
Comment ID	PSLP_946
Response Date	02/06/21 12:00
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Other
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Kevin & Lesley Entacott
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

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

Question 5

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To whom it may concern,

Myself and my wife moved with our young family to Capel in 1995. A quiet home in the countryside with farms, AONB and greenbelt land all around us.

We have lived in Redwood Park in the hamlet of Capel for 26 years. As the years have gone by the local lanes have become much busier but it has not spoilt the much needed hedgerows, wild life or the friendly village community surrounding us in Capel and Five Oak Green.

Our local area may be expected to accommodate building new homes as should everybody, but it should always be PROPORTIONATE to the local need. This proposed plan does not reflect the needs of the area and tramples over the wishes of the local population.

As sensible and concerned citizens we recognise there is a demand for housing in this country. However we do not accept the fact that it is necessary or correct to be building at the expense of green belt land, AONB and on flood risk areas.

The TWBC are claiming they have exhausted and fully investigated ALL brownfield sites but have yet to substantiate this.

This current plan is massively disproportionate to this areas need for extra housing and has been pushed through to this stage in spite of incredible opposition. This proposed Tudeley Housing Estate (beautifully named Tudeley Garden Village) along with the East Capel proposed development, is a convenient way of TWBC fulfilling an extremely high proportion of their allocation of unsubstantiated housing needs. Unfortunately this shows a total disregard for the residents of the surrounding areas. Tudeley itself, Five Oak Green, Capel, East Peckham, Paddock Wood and Tonbridge to name a few. The area of this Tudeley Housing Estate is green belt land, flood risk and AONB land. The infrastructure of the surrounding areas will not be able to cope with the population growth requiring, GP surgeries schools and roads.

Boris Johnson stated in the House of Commons that there would be no building on green belt land unless in exceptional circumstances. These exceptional circumstances in our opinion appear to be the Teachers Estate are willing to release these acres of beautiful countryside to TWBC which is the easiest and most convenient answer to the housing quota. Dealing with only one very accommodating landowner.

A few years ago TWBC turned down an application made by the Poacher public house in Hartlake Road Tudeley. They applied to build a small bed and breakfast business to compliment their current building. The planning office stated it would spoil the surrounding green belt area and would create

more of a problem in regard to flood risk. The reasons given are just some of the very reasons our community are stating now. To build thousands of unwanted homes in this area will increase the flood problems further down the line and TWBC should be held accountable over this proposed decimation of our countryside of which can never be replaced.

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_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_462
Response Date	26/05/21 10:55
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Pre-submission Local Plan

[TWBC: Relevant parts of this full response have been duplicated against individual Policies - please see Comment Numbers: PSLP_467, 471, 473, 474, 475, 476, 477, 478, 479, 480, 484, 486]

Question 4

Do you consider that the Local Plan:

Is sound

Yes

Question 4a

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

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

Question 5

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Regulation 19 consultation on the Pre-submission Local Plan

Tunbridge Well Borough Council

Thank you for consulting us on the pre-submission of Tunbridge Wells Local Plan. We have reviewed the submitted material and **find the submission sound**. However, we have the following advice to provide.

Flood risk

We welcome the inclusion of Flood Risk Policy EN 25. We have no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 - Paddock Wood Development Plan), however flood risk concerns have been highlighted in previous comments made back in February and may become more apparent at detailed Flood Risk Assessment (FRA) stage. Once at the detailed FRA stage, the development brief should identify that considerable flood mitigation may be required but also that they can meet and pass the exception test.

Biodiversity

Place Shaping and Design covers – ecology; flooding; water supply; wastewater.

We welcome the reference to Kent Design Guide, as there are dedicated sections around the riverine environment and sensitivities. We would suggest to ensure a clear definition of “adaptation measures against the future impacts of climate change” is included, as referenced within Place shaping chapter. The elements aimed sustainability are appropriate and valid for ensuring careful decisions are made, but it would be an enhancement to the objectives if the design principles also stated to foster better resilience for wildlife corridors and incorporation of green/blue corridors.

Infrastructure and Connectivity

We suggest to enhance wording for examples within “**Green:** network of natural and semi-natural features, including, for example, street trees, green roofs, parks, ponds, rivers, woodlands.” There are wet woodlands within the Tunbridge Wells district, suggest to add ‘all types of woodland’.

Policy EN 14: Green, Grey, and Blue Infrastructure

We welcome the emphasis on multi-benefit schemes and the cross-cutting values that can be achieved for people and wildlife through smart designs and choices.

We also welcome the statement highlighting ecology aspects and the need to build in resilience through wildlife networks and the specific recommendation to consult with multiple stakeholders to inform development outcomes, including regulators.

Conserving and Enhancing the Natural, Built and Historical Environment

It is recommended to add a reference to the opening paragraph about the Priority River Habitats that also widely occur in the district, and that conserving and enhancing those watercourses which are also identified as Priority River Habitats (map data available through data.gov.uk). The definition of a Priority River is that they consist of rivers and streams that exhibit a high degree of naturalness (i.e. show very little modification over time). The naturalness classification used to map priority river habitat is based on recent work to review the river SSSI series.

We suggest reference to green-blue infrastructure is included in Point 6. There is an emphasis on Green types, whereas Blue includes wetlands and rivers – and often the two coincide, we would want to emphasise that the two can be the same in some locations. Also, highlighting an emphasis on Blue infrastructure delivery can also create support for delivering enhancement contributions towards achieving Water Framework Directive Status Objectives, Actions and Mitigation Measures.

Policy EN 9: Biodiversity Net Gain

This is sound – with an inclusion of necessary demonstration through measurable means and specific use of the DEFRA Biodiversity metric system. No further comment.

Policy EN 8: Outdoor lighting and dark skies

This is welcomed and generally sound. We would recommend to adjust wording to reflect that not only should light spill not unacceptable impact wildlife, but this in particular means to avoid impactful light spill onto wildlife corridors as well as foraging behaviours.

Policy EN 24: Water Supply, Quality, and Conservation

The wording around Water Framework Directive is accurate and we welcome the strong support. However there is a missed opportunity to remind developers that opportunities may exist to deliver physical enhancements that are recognised to approach Reasons For Not Achieving Good in a given waterbody. These should be sought wherever feasible, i.e. benefits can be for both physical and of water quality, the two are linked to supporting WFD objectives and fostering resilience in wetland habitats.

Policy AL/RTW 18

This location contains or borders with ordinary watercourses that would benefit from establishing no-development buffer zones of at least 5m.

Policy AL/RTW 20

Note that woodland parcels to the east and north are mixed deciduous and wet woodland priority habitats, any landscape management scheme here ought to preserve and enhance the unique habitat qualities which occur here. There may be opportunity for boardwalk style pedestrian routes.

Environmental Net Gain

We would recommend the Local Plan ensures that Strategic policies point towards achieving Environmental Net Gain, and reflects a holistic Natural Capital objective.

Invasive Non-Native Species

There is limited specific mention or wider consideration and acknowledgment of the proven and potential negative impacts of invasive non-native species upon the landscape character, environmental resilience, prolonged costs of eradication once established in great numbers and waste management implications. It would be prudent to consider how developers, land sales and purchases might automatically require targeted surveys for such undesirable species, and intend to produce containment and management plans. Furthermore, they can support the existing co-ordinated action to manage catchment wide control by working in partnership with the external Catchment groups, by submitting records and reporting treatment programmes.

Groundwater resources

Section 6.272 refers to South East Water's Water Resources Management Plan (2015-2040). This is now superseded by their Water resources management plan 2019 (2020-2080).

Section 6.273 may need minor updating soon as a revision to the Environment Agency's 2013 water stress classification has just been consulted upon. There will however be no change to the "serious water stress" status of the region - it will only be expanded. We welcome the requirement in section 6.274 and Policy EN24 for residential developments to meet the optional higher standard of water efficiency provided for in the Building Regulations. We also welcome the encouragement in Policy EN24 to consider rainwater harvesting and greywater recycling opportunities.

We would additionally suggest a requirement for water efficiency in non-domestic developments such that at least larger developments meet a BREEAM standard of Very Good or Excellent. Some councils have required Outstanding.

Groundwater quality

We welcome the inclusion of the section on Water Supply, Quality and Conservation, which includes Policy EN 24. We also note and welcome Policy EN 28 on Land Contamination, but have the following comments.

- Closed landfill sites represent development risks that we believe should be addressed directly, either in Policy EN 28 or the subject of its own policy.
- Any planning application on or in the immediate vicinity of an historic landfill must be accompanied by a full technical analysis of the site and its associated risks in accordance with Environmental Health and Environment Agency requirements for permitted sites.

Question 7

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For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

If you would like to attach a file in support of your comments, please upload it here. [PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_471
Response Date	26/05/21 10:55
Consultation Point	Policy STR 2 Place Shaping and Design (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation 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
Question 4a	

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

Question 5

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[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency
Email Address	
Company / Organisation	Environment Agency
Address	 WEST MALLING
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency
Comment ID	PSLP_473
Response Date	26/05/21 10:55
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation 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
Question 4a	

If 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: For general response please see Comment Number PSLP_462]

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

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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_475
Response Date	26/05/21 10:55
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation 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 4a	

If 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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Conserving and Enhancing the Natural, Built and Historical Environment

It is recommended to add a reference to the opening paragraph about the Priority River Habitats that also widely occur in the district, and that conserving and enhancing those watercourses which are also identified as Priority River Habitats (map data available through data.gov.uk). The definition of a Priority River is that they consist of rivers and streams that exhibit a high degree of naturalness (i.e. show very little modification over time). The naturalness classification used to map priority river habitat is based on recent work to review the river SSSI series.

We suggest reference to green-blue infrastructure is included in Point 6. There is an emphasis on Green types, whereas Blue includes wetlands and rivers – and often the two coincide, we would want to emphasise that the two can be the same in some locations. Also, highlighting an emphasis on Blue infrastructure delivery can also create support for delivering enhancement contributions towards achieving Water Framework Directive Status Objectives, Actions and Mitigation Measures.

[TWBC: For general response please see Comment Number PSLP_462]

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

If you would like to attach a file in support of your comments, please upload it here. [PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_479
Response Date	26/05/21 10:55
Consultation Point	Policy AL/RTW 18 Land at the former North Farm landfill site, North Farm Lane and land at North Farm Lane, North Farm Industrial Estate (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation 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 18 Land at the former North Farm landfill site, North Farm Lane and land at North Farm Lane, North Farm Industrial Estate

Question 4a

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

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

Question 5

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Policy AL/RTW 18

This location contains or borders with ordinary watercourses that would benefit from establishing no-development buffer zones of at least 5m.

[TWBC: For general response please see Comment Number PSLP_462]

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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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_480
Response Date	26/05/21 10:55
Consultation Point	Policy AL/RTW 20 Land at Culverden Stadium, Culverden Down (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation 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 20 Land at Culverden Stadium, Culverden Down
Question 4a	

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

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

Question 5

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Policy AL/RTW 20

Note that woodland parcels to the east and north are mixed deciduous and wet woodland priority habitats, any landscape management scheme here ought to preserve and enhance the unique habitat qualities which occur here. There may be opportunity for boardwalk style pedestrian routes.

[TWBC: For general response please see Comment Number PSLP_462]

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

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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_477
Response Date	26/05/21 10:55
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 8 Outdoor Lighting and Dark Skies
Question 4a	

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

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

Question 5

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Policy EN 8: Outdoor lighting and dark skies

This is welcomed and generally sound. We would recommend to adjust wording to reflect that not only should light spill not unacceptable impact wildlife, but this in particular means to avoid impactful light spill onto wildlife corridors as well as foraging behaviours.

[TWBC: For general response please see Comment Number PSLP_462]

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

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PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_484
Response Date	26/05/21 10:55
Consultation Point	Natural Environment (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 6: Environment: Natural Environment	
Question 4a	

If 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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Environmental Net Gain

We would recommend the Local Plan ensures that Strategic policies point towards achieving Environmental Net Gain, and reflects a holistic Natural Capital objective.

Invasive Non-Native Species

There is limited specific mention or wider consideration and acknowledgment of the proven and potential negative impacts of invasive non-native species upon the landscape character, environmental resilience, prolonged costs of eradication once established in great numbers and waste management implications. It would be prudent to consider how developers, land sales and purchases might automatically require targeted surveys for such undesirable species, and intend to produce containment and management plans. Furthermore, they can support the existing co-ordinated action to manage catchment wide control by working in partnership with the external Catchment groups, by submitting records and reporting treatment programmes.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_476
Response Date	26/05/21 10:55
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 9 Biodiversity Net Gain
Question 4a	

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Question 5

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Policy EN 9: Biodiversity Net Gain

This is sound – with an inclusion of necessary demonstration through measurable means and specific use of the DEFRA Biodiversity metric system. No further comment.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_474
Response Date	26/05/21 10:55
Consultation Point	Policy EN 14 Green, Grey, and Blue Infrastructure (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 14 Green, Grey, and Blue Infrastructure
Question 4a	

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Question 5

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Policy EN 14: Green, Grey, and Blue Infrastructure

We welcome the emphasis on multi-benefit schemes and the cross-cutting values that can be achieved for people and wildlife through smart designs and choices.

We also welcome the statement highlighting ecology aspects and the need to build in resilience through wildlife networks and the specific recommendation to consult with multiple stakeholders to inform development outcomes, including regulators.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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If you would like to attach a file in support of your comments, please upload it here. [PSLP 462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_478
Response Date	26/05/21 10:55
Consultation Point	Policy EN 24 Water Supply, Quality, and Conservation (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	Policy EN 24 Water Supply, Quality, and Conservation
Question 4a	

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Question 5

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Policy EN 24: Water Supply, Quality, and Conservation

The wording around Water Framework Directive is accurate and we welcome the strong support. However there is a missed opportunity to remind developers that opportunities may exist to deliver physical enhancements that are recognised to approach Reasons For Not Achieving Good in a given waterbody. These should be sought wherever feasible, i.e. benefits can be for both physical and of water quality, the two are linked to supporting WFD objectives and fostering resilience in wetland habitats.

Groundwater resources

Section 6.272 refers to South East Water's Water Resources Management Plan (2015-2040). This is now superseded by their Water resources management plan 2019 (2020-2080).

Section 6.273 may need minor updating soon as a revision to the Environment Agency's 2013 water stress classification has just been consulted upon. There will however be no change to the "serious water stress" status of the region - it will only be expanded.

We welcome the requirement in section 6.274 and Policy EN24 for residential developments to meet the optional higher standard of water efficiency provided for in the Building Regulations. We also welcome the encouragement in Policy EN24 to consider rainwater harvesting and greywater recycling opportunities.

We would additionally suggest a requirement for water efficiency in non-domestic developments such that at least larger developments meet a BREEAM standard of Very Good or Excellent. Some councils have required Outstanding.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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If responder hasn't ticked an option on this box, Not Stated
data inputter to tick 'not stated' box.

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

[PSLP 462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_467
Response Date	26/05/21 10:55
Consultation Point	Policy EN 25 Flood Risk (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 25 Flood Risk
Question 4a	

If 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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Flood risk

We welcome the inclusion of Flood Risk Policy EN 25. We have no objection in principle to the inclusion of the proposed developments around Paddock Wood (Policy STR/SS 1 - Paddock Wood Development Plan), however flood risk concerns have been highlighted in previous comments made back in February and may become more apparent at detailed Flood Risk Assessment (FRA) stage. Once at the detailed FRA stage, the development brief should identify that considerable flood mitigation may be required but also that they can meet and pass the exception test.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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If you would like to attach a file in support of your comments, please upload it here. [PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf](#)

Supporting Information File Ref No: SI_28

Comment

Consultee	Environment Agency [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Environment Agency
Address	[REDACTED] [REDACTED] WEST MALLING [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Environment Agency [REDACTED]
Comment ID	PSLP_486
Response Date	26/05/21 10:55
Consultation Point	Policy EN 28 Land Contamination (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_462, 467, 471, 473-480, 484, 486 Environment Agency SI-1 Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Environment Agency
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy EN 28 Land Contamination
Question 4a	

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Question 5

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Groundwater quality

We welcome the inclusion of the section on Water Supply, Quality and Conservation, which includes Policy EN 24. We also note and welcome Policy EN 28 on Land Contamination, but have the following comments.

- Closed landfill sites represent development risks that we believe should be addressed directly, either in Policy EN 28 or the subject of its own policy.
- Any planning application on or in the immediate vicinity of an historic landfill must be accompanied by a full technical analysis of the site and its associated risks in accordance with Environmental Health and Environment Agency requirements for permitted sites.

[TWBC: For general response please see Comment Number PSLP_462]

Question 7

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Supporting Information File Ref No: SI_102

Comment

Agent	Mr Andrew Wilford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Esquire Developments
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Consultee	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Esquire Developments
Address	[REDACTED] [REDACTED] Longfield [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Esquire Developments [REDACTED]
Comment ID	PSLP_1792
Response Date	04/06/21 15:53
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_1792_Esquire Developments_SI_Representation_with Appendices.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Esquire Developments
Question 2	

Agent's Name and Organisation (if applicable) Esquire Developments

Question 3

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

Question 3a

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

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

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

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

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

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

Question 5

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See attached representations

[TWBC: for full representation with appendices, please see supporting documents]

APPENDICES

APPENDIX 1 - Site Location Plan and Proposed Site Layout

APPENDIX 2 - Regulation 18 Local Plan Policy AL/CR1 Land adjacent to Wilsley Farm, Cranbrook

APPENDIX 3 - Design and Access Statement to application Ref 20/03816/FULL

APPENDIX 4 - Delegated Report to application Ref 20/03816/FULL

APPENDIX 5 - Decision Notice to application Ref 20/03816/FULL

APPENDIX 6 - 2019 SHEELA Extract

APPENDIX 7 - 2021 SHEELA Extract AONB Unit response to Site potential

APPENDIX 8 - Sustainability Appraisal Extract – Alternatives

APPENDIX 9 - Kent SME Developer Network Representations

APPENDIX 10 - Current and Future Sustainability Trends in relation to Carbon Emissions, Behavioural Trends and Technological Advances .

APPENDIX 11 - Pre-Application Responses

APPENDIX 12 - Response from Conservation and Design Officer to application Ref 20/03816/FULL

1.0 INTRODUCTION

1.1 These representations are submitted by Esquire Developments Ltd in response to Tunbridge Wells Borough Council's (TWBC) Regulation 19 Pre-Submission Local Plan Consultation December.

1.2 Esquire Developments has a number of land interests across the Borough, and specifically land at Wilsley Farm, Wilsley Green, Cranbrook. The site is being promoted for up to 20 dwellings on 0.96ha of land (**Appendix 1**).

1.3 The Regulation 18 Local Plan identified the site as a suitable allocation for up to 20 residential dwellings under Policy AL/CR1 (**Appendix 2**). The Pre-Submission Local Plan has removed the site as a potential allocation.

1.4 Notwithstanding the emerging nature of the Local Plan, Esquire Developments undertook positive preapplication engagement with TWBC throughout 2020. That pre-application advice recognised the sites emerging allocation, but based on the present lack of a 5-year supply of land for housing, supported the principle of development on the site and an early planning application submission.

1.5 In December 2020, a full application (ref 20/03816/FULL) was submitted to the Council for 20 dwellings (**Appendix 3 for DAS**). In January 2021, the Pre-Submission Local Plan was released - identifying the site's removal as an emerging allocation. In April 2021, the application was subsequently refused by delegated authority (**Appendix 4**) for 7No. reasons for refusal (**Appendix 5**). The site is acknowledged and not being major development in the AONB.

1.6 The site was assessed in the 2019 TWBC SHELAA (Site Ref 125) and was confirmed as being suitable for development (**Appendix 6**). However, the 2021 SHELAA now contradicts that position suggesting the site is now unsuitable (**Appendix 7**). The site was also subject to assessment in the Sustainability Appraisals as 'Reasonable Alternative Site Ref 125 ' (**Appendix 8**).

1.7 These representations assess the spatial strategy with emphasis on the support (or lack of) for SMEs and meeting the requirements of Paragraph 68 of the NPPF. They also assess the suitability of the site selection process for Cranbrook.

1.8 We have significant concerns with the Pre-Submission consultation document. It does not support the growth of SMEs, has not identified sufficient land to meet paragraph 68 of the NPPF and there is over reliance on the delivery of dwellings from the two strategic locations. The Council is also flawed in its site selection process in respect of AONB development.

1.9 These representations draw upon the representations prepared by the Kent SME Developers Network and contained within **Appendix 9**. We wholly support the content of those representations.

i) About Esquire Developments

1.10 Esquire Developments is a multi award winning SME Housebuilder based in Longfield, Kent. Founded in 2011, we have quickly established ourselves through the delivery of high quality bespoke residential developments in Kent. We were most recently awarded Gold for Best Small House Builder in the Country 2020 by WhatHouse.

1.11 Esquire Developments has adopted a tailored approach to its developments adapting designs and layouts to reflect local characteristics and respect local community needs. This is done through our expert local knowledge and understanding of a place, but also positively engaging with the local community allowing for a focussed approach to planning, design and greater understanding of the needs of the local community.

1.12 Each development is bespoke and there are no fixed house types. This allows us to be totally flexible when it comes to choosing the right mix and design of each home. This is reflected in the high-quality architecture and use of materials, but also quality of open spaces and the environment in which each development sits within.

1.13 Esquire Developments also delivers commercial buildings such as office space and children's nurseries to complement developments where local demand identifies such a need. This means our developments can meet a local community's needs in a number of ways, whether that is for people to live, work and play.

1.14 As an SME Housebuilder, Esquire Developments can expediently deliver a high-quality product that brings variation and choice to the market and complement volume housebuilders.

1.15 Esquire Developments Managing Director presently chairs the local Kent SME Developer Network. The SME Network is a collection of active SMEs in Kent to bring together collective thought and best practice as well as sharing knowledge to increase and improve the delivery of development in the local area by SME Developers.

ii) Content of Representations

1.16 These representations are structured as follows:

Section 2.0: The Spatial Strategy and Lack of Support for SME Housebuilders .

Section 4.0: The Suitability of the Site to accommodate Development.

Section 4.0: Conclusions.

1.17 Notwithstanding specific land interests, these representations have been prepared in objective terms and assessed against the prevailing planning policy and guidance framework set out within the National Planning Policy Framework (NPPF) (February 2019) and National Planning Policy Guidance (PPG) (March 2014 as amended).

1.18 In summary the headline points are as follows:

5.1 It is considered that the Pre-Submission Regulation 19 Local Plan is **unsound**. Alongside wholly supporting the Kent SME Representations, our comments are summarised as:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.
- . The plan is over-reliant on the anticipated delivery of its strategic large-scale sites in which the largest comprises an oligopoly of National Volume Housebuilders and the other has no developer yet on board;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . The Council has undertaken a flawed approach to site selection in the AONB and misapplied paragraphs 171 and 172 of the Framework.
- . The Council has not appropriately assessed the exceptional circumstances required for major AONB release and failed to recognise the role played by non-major AONB sites.
- . The Council has retrofitted its evidence base to suit its current position in respect of the 2019 and 2021 SHELAA conclusions of the site.
- . The site is considered to wholly meet the requirements of the plan, being an SME led, non-major site of under 1ha of land in a sustainable location.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 (a) of the NPPF regarding 10% provision of small sites and has sought to reduce its plan period to reduce housing numbers;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to
 - housing delivery and NPPF Paragraph 72 (d).
 - identifying sites with the least environmental or amenity value as per paragraph 171 of the framework;
 - has not appropriately assessed the exceptional circumstances to justify major AONB development.

- o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market (especially in Cranbrook) and will not deliver the required housing within the plan period.
- o Is not consistent with National Policy as it does not conform to Paragraph 68, Paragraph 171 and paragraph 172.

2.0 RESPONSE TO THE SPATIAL STRATEGY AND LACK OF SME SUPPORT

2.1 The Kent SME Developers Network has prepared comprehensive representations in respect of the proposed spatial strategy and lack of SME support and opportunities. The representations are attached in **Appendix 9** of this document and therefore the arguments made in that document are not repeated in detail here.

2.2 We wholly support the content of the SME representations and share the view that the spatial strategy is not sound. We echo the disappointment and lack of support to SMEs by TWBC within the plan and that SMEs have been disregarded in totality. TWBC's attitude to SMEs is not reflective of Central Government's attitude - which has recognised SMEs as being of 'National Importance'.

2.3 We have serious concerns with the Policy Vacuum within the Local Plan in delivering high-quality small-scale sites. The Plan is reliant on at least 1,670 dwellings coming forward under windfall. Alongside the concerns that the Strategic Sites will not deliver the scale of growth envisaged in the plan period (5,590 dwellings), and that a more realistic figure of 2,450 dwellings is likely to be delivered. Consequently, a further 2,140 dwellings should be allocated elsewhere in the plan.

2.4 Indeed, there has been a significant 'shift' in the Council's Spatial Strategy from the Regulation 18 Local Plan with a significant reduction in the numbers of dwellings envisaged in certain locations and the subsequent removal of a number of sites. Table 2.1 compares the proposed housing distribution between the Regulation 18 Consultation document and Regulation 19 Pre-Submission Plan.

[TWBC: for table, please see full representation attached as a supporting document]

2.5 Table 2.1 demonstrates that overall, there has been a reduction in allocated sites from between 890 dwellings to 1,455 dwellings. The most significant locations which saw a reduction include Hawkhurst, Cranbrook and Paddock Wood. Hawkhurst and Cranbrook are recognised as being both main settlements within the Borough and crucially perform critical roles within the rural areas of the Borough.

2.6 It is not immediately clear within the Local Plan as to where the 'missing allocations' are redistributed to, and we seek clarification on this point. However, a review of the Local Plan period from the Regulation 18 Consultation document and the Regulation 19 Consultation document identify the Regulation 18 Local Plan was based on a 20-yr plan period of 2016 – 2036 and confirmed the housing need as being 13,560 dwellings. The Regulation 19 Local Plan has 'moved the goalposts' and has a plan period of now only 18 years of 2020 – 2038 and a housing requirement of 12,200.

2.7 This change subsequently results in the Regulation 19 Local Plan requiring to identify 1,360 dwellings fewer dwellings. This is not considered to be a proactive approach and there has been no justification by the Council why the change in plan period from the Regulation 18 to regulation 19 was sought – other than to reduce the number of dwellings to allocate.

2.8 Indeed, as a result of the bringing forward of the base date of the plan from 2016 to 2020, the subsequent back log of unmet housing need from 2016 - 2020 is simply 'written off' – again further reinforcing the lack of a positive approach to meeting needs within the Borough.

2.9 The impact of the Council's approach is that a number of smaller sites have fallen victim to the change in strategy. This is a point highlighted by the SME Network representations, where it is evident that the 10% target required by paragraph 64 of the NPPF is not being met on a Borough wide basis and detailed further in section 3 of this statement.

2.10 The site adjacent to Wilsley Farm is a specific example of this. The site lies under 1ha and is under the control of an SME. It was identified as an emerging allocation in the Regulation 18 Local Plan. It meets the exact criteria paragraph 68 of the NPPF is seeking to achieve, and yet the site has been removed from the Councils Local Plan. There are a number of sites in similar situations.

2.11 Whilst we recognise the Council has sought to justify its position on the reduction in dwellings in Cranbrook and Hawkhurst (and other locations) due to cumulative impacts on the AONB (amongst other things), its subsequent site selection and SA is flawed as it does not factor into account those sites that are being promoted by SMEs or of a scale that is required to be delivered in the Local Plan

under Paragraph 68 of the NPPF. Furthermore, the Council has now sought to artificially change its Evidence Base to suit its position – as shown in the change in assessment of the Site between the 2019 SHELAA and 2021 SHEELA.

2.12 The Spatial Strategy further ignores the benefits an SME can bring in both design quality and carbon efficiencies.

2.13 The SME Representations (**Appendix 9**) reference SME site typology which is recognised as marginalising SMEs to rural fringe locations. Whilst an SME can deliver a bespoke development that is both appropriate in scale and design to reflect the local area, these sites often have to work harder to justify their sustainability credentials or other such matters (i.e. landscape impact) often on the basis that a bus service is infrequent or the local primary school is in the next village. As a result, SME schemes of this nature are often declared to be too heavily reliant on the use of car, and thus automatically assumed to be unsustainable and either applications are refused, or sites not progressed to allocation.

2.14 However, this is a too simplistic approach to take, as sustainability also includes the effect of carbon footprint from the buildings themselves and consequently the overall emissions released from a scheme (including both dwellings and vehicles). Together these components will tackle Climate Change and whilst it is recognised that rural fringe locations may result in increased vehicle trips, through efficient build techniques that SMEs can deliver and other behavioural trends (such as electric vehicles, online shopping and home working), the emissions deriving from an SME built rural fringe site does not necessarily result in an increased emissions output from a traditional built scheme in the urban area by a volume housebuilder meeting only standard building regulations. This point is further emphasised when volume housebuilders are present in more rural locations – such as is the case in Cranbrook.

2.15 **Appendix 10** of these representations contain a report titled '*Current and Future Sustainability Trends in relation to Carbon Emissions, Behavioural Trends and Technological Advances*' commissioned by Esquire Developments and prepared by i-transport and Daedalus Environmental. The report seeks to link the nuanced behavioural changes relating to electric vehicles, online shopping and working from home in rural fringe locations. The report assesses the likely car trips from these locations and undertakes a case study to demonstrate that by building carbon efficient homes, the emissions released from the increased number of (short) car trips can be off-set and that when the combined picture is assessed, there is no material increase in emissions output from a rural fringe location to an urban location using current building regulations.

2.16 Figure 6 from the report (below) demonstrates that over the life cycle of a development, whilst transport related CO2 emissions are greater for a rural fringe location, the CO2 emissions from the dwellings built by Esquire Developments are less, and when combined, the overall CO2 emissions are actually more favourable than a standard housebuilder in an urban location.

[TWBC: for graph, please see full representation attached as a supporting document]

2.17 It is anticipated that over time, as Building Regulations improve, the gap between SME and standard build emissions closes. Conversely, as electric vehicles become more common (and indeed fossil fuel cars will no longer be sold as new from 2030), the gap in car emissions will also reduce. Given the Local Plan runs 8 years beyond the 2030 target date, it is considered appropriate that this plan recognises the changing nature of sustainability and plans for this effect now.

2.18 This more nuanced approach demonstrates that sites which have been marked as unsustainable because they are not located within the identified travel distances to certain facilities is incorrect. The SHLAA should be revisited with this in mind as well an assessment of which sites are being actively promoted by SME developers, and not simply landowner, promoters of volume house builders.

2.19 In addition to the above carbon efficiencies, it is considered that SMEs can bring forward better quality schemes than volume housebuilders. This can have 2 positive effects on designations such as the AONB. The first being the bespoke nature of the house types and quality of materials and architecture can better respond to the AONB design code, and secondly the sites themselves are smaller in nature and thus the impact of any 1 development is less (and thus cumulatively less) often not being considered 'major' development in the AONB. This issue has been overlooked by the Council in its spatial strategy and site selection process (set out in section 3).

2.20 By way of example, in Cranbrook and Sissinghurst, a number of larger sites have been permitted to Volume Housebuilders.

[TWBC: for table, please see full representation attached as a supporting document]

2.21 In total, in just 3 number sites, a total of 405 dwellings are being built by volume Housebuilders. This compares to a number of smaller SME type applications that have recently all been refused by the Council – all of which were Regulation 18 allocated sites that have now subsequently been removed in the Regulation 19 Local Plan, namely:

[TWBC: for table, please see full representation attached as a supporting document]

2.22 Tables 2.2. and 2.3 demonstrate that just 3No. volume housebuilders have permission in excess of 400 dwellings in Cranbrook and Sissinghurst. However, 5No. Regulation 18 Local Plan sites totalling just 155 dwellings have all been refused by the LPA in the last 18 months alone and at a time when there was/is a lack of a 5-year supply of land for housing.

2.23 Whilst it is recognised that each application must be determined on its own merits, the above is a clear demonstration that the smaller SME site typologies are being regularly refused by the Council. It is arguable that the Council is exacerbating the decline of SMEs and is 'part of the problem', preferring a few number of volume housebuilders on large sites and encouraging the lack of diversity in the housing market.

2.24 Had the sites in Table 2.3 been approved or indeed continued to be identified as emerging allocations in the Regulation 19 Local Plan, it would represent the opportunity to :

- 1 support smaller SME type sites;
- 2 support SMEs themselves;
- 3 Result in a significant choice in house design, product, carbon efficiencies; and
- 4 Not undermine the wider spatial strategy or have such significant adverse impact on the AONB when taken cumulatively (especially in the light that these 5 sites alone still falls under the two largest volume housebuilder schemes).

2.25 The Council's site selection and strategy for Cranbrook and Sissinghurst is exacerbating the decline in SMEs. The Council is failing to support SMEs both in the wider Local Plan and this is evidenced in Cranbrook and Sissinghurst through the Council's initial identification of suitable sites for allocation, and then their removal in favour of Volume Housebuilder schemes.

2.26 This is most clearly demonstrated in the sites selected for allocation in the Regulation 19 Local Plan. It shows that 3 of the 5No. sites in Cranbrook and Sissinghurst are controlled by Volume Housebuilders and account for 92% of the total housing numbers in Cranbrook and Sissinghurst (and 100% in Cranbrook). Of the 2No. remaining sites, one is controlled by a self build company, and the last is controlled by a recognised SME, albeit an application for less than half of the allocated number was withdrawn in 2017 – suggesting there are potentially deliverability issues with that specific site.

[TWBC: for table, please see full representation attached as a supporting document]

2.27 The Councils Strategy has had insufficient regard to SME developers both in respect of the quantum of sites identified under paragraph 68 of the Framework, but also it has actively chosen to refuse or deallocate sites that are either being promoted for SME developers or are smaller scale in nature.

2.28 The Council's position is therefore unsound, as it is not consistent with National Policy nor is it an effective plan.

3.0 SUITABILITY OF LAND ADJACENT TO WILSLEY FARM TO ACCOMMODATE GROWTH

3.1 Land adjacent to Wilsley Farm is considered a wholly appropriate site for allocation in the emerging Local Plan.

3.2 Cranbrook is recognised by the Council as being a sustainable location for growth. Whilst it is constrained with AONB that washes over the settlement, that designation in itself is not an overriding barrier that precludes an appropriate amount of growth in order to meet the wider housing needs. Indeed, all the proposed allocations in the Regulation 19 Local plan for Cranbrook and Sissinghurst are within the AONB and most are near to Conservation Areas. In this regard, many of the sites display similar characteristics.

3.3 The site was identified in the Draft Local Plan (Regulation 18) consultation which was undertaken in September- November 2019. The Consultation identified, under Policy STR/CRS 1 'The Strategy for Cranbrook and Sissinghurst Parish' that the area should accommodate approximately 718 -803 new dwellings across 9No. sites.

3.4 The consultation document identified the Site as being allocated for residential development of between 15-20 dwellings under Policy AL/CRS 1 Land adjoining Wilsley Farm, adjacent to Angley Road and Whitewell Lane (**Appendix 2**).

3.5 Policy AL/CRS1 at that time set out a number of criteria in which any scheme should accord with. These were detailed criteria relating specifically to the development of the site and reflected the Council's recognition at that time that the site was suitable as a potential allocation for residential development.

3.6 In this respect, the Evidence Base prepared at that time had assessed the site (both within the 2019 SHELAA and Sustainability Appraisal) and accordingly concluded the site was appropriate as a proposed allocation and selected as one of 9No. sites identified for development. The acceptance and recognition of the suitability of the Site by Council Officers was not a passing whim, or indeed just a SHLEAA suitable site. It was a site that was recognised as being sustainable and accordingly subject to a detailed policy to guide future development.

3.7 Following the identification of the Site in the Regulation 18 Local Plan and after the consultation ended, Esquire Developments agreed an Option with the landowner to bring forward the site. Esquire Developments subsequently undertook 2No. pre-application meetings with the Council throughout 2020 to discuss the suitability of the site and the appropriateness of coming forward with a planning application.

3.8 On both occasions, the pre-application response (**Appendix 11**), acknowledged the emerging allocation of the site, but gave that position little weight due to the status of the plan at that time. However, due to the Council's then (and present) Housing Land Supply position, concluded that the principle of development of the site was acceptable and that the submission of an application would be appropriate.

3.9 The application was duly submitted in December 2020 on the basis of this positive pre-application advice.

3.10 However, in January 2021, without any prior warning or notification (indeed the Council's Case Officer was unaware), the site was removed from the Pre-Submission version of the Local Plan.

3.11 At that time, there was no specific supporting material to confirm justification as to why the site was removed from the Local Plan, other than the fact that the spatial strategy had changed and the allocated numbers for Cranbrook and Sissinghurst was reduced – by around 50%.

3.12 At that time, Esquire sought reasoning from the Council as to why the site has been moved. Esquire were informally advised that the Policy team had concluded that it was due to the impact of the access on the hedgerow and Conservation Area. However, this position did not reflect the pre-application advice received nor was that position reflected in the detailed application response from the Council's Conversation and Design Officer (**Appendix 12**). Notwithstanding, the 2021 SHELAA (**Appendix 7**) has been retro-fitted to suit the Council's position of not supporting the site – even though there has been no material change to the site or its surrounding from 2019 to 2021.

3.13 It is evident that the Policy team and the Development Management team are acting independently of each other, are not communicating what each is doing and coming to different conclusions on the potential impact of the development. This is a wholly unacceptable position and again only demonstrates how the Council's actions are working against SME developers and elevating planning risk.

3.14 Notwithstanding that the Council cannot presently demonstrate a 5-yr supply of land for housing (the primary basis in which the principle of development on the application was agreed), the Council refused the Planning Application in April 2021. This was even in light of a 'less than substantial harm (at the lower end of the scale) to the Conservation Area', positive comments in respect of the proposed design and quality of the architecture and that there was a 'moderate to low impact' on the wider AONB landscape.

3.15 In order to understand further the Council's change in attitude, it is clear that the overall reduction in housing numbers in Cranbrook has had an impact on the number of allocations required in Cranbrook and Sissinghurst. The Development Strategy Topic Paper sets out the Council's approach to Cranbrook and the sites selected.

3.16 Para 6.13 of the topic paper states that *'The focus here is on the further regard (since preparation of the Draft Local Plan) to likely opportunities for meeting development needs in a way that reduces the pressure on Green Belt land and for major development in the High Weald AONB in particular.'*

This looks firstly at need arising within the borough and, secondly, at any unmet need, essentially for housing, from neighbouring areas'

3.17 The above statement specifically only refers to how development needs can be met in a way that 'reduces...major development in the AONB in particular'. Indeed, the Topic Paper continues to only assess major development in the AONB as it repeats National Guidance of paragraph 172 which is specifically concerned with 'major' development.

3.18 The Topic Paper usefully assess the principle of developing in the AONB and confirms that as no neighbouring authorities are prepared to accommodate TWBC's housing need, development in the AONB is necessary (para 6.21) in order to meet the needs.

3.19 Under Section 6 Part D of the Topic Paper, the Council assess various scenarios as to what scale of growth is deemed appropriate, including 'major' development in the AONB. Again, by way of example, para 6.25 refers:

6.25 Therefore and having regard to the comments on the Draft Local Plan, further consideration has been given to levels of growth that are less than that required to meet identified development needs. These are:

- 1) Growth reduced below the housing need level to one that does not involve any loss of Green Belt*
- 2) Growth reduced below the housing need to one that does not involve any major development in the High Weald AONB*

3.20 Again, only references are made to 'major' AONB development. A theme that is flawed but forms the fundamental basis for the Council's strategy and site selection process.

3.21 Section H of the Topic Paper assesses Development in the High Weald AONB and seeks to justify the Council's position. However, the Council's approach, as set out in Part H and subsequent Appendices of the Topic Paper are fundamentally flawed, misleading and has resulted in an incorrect site selection process in regard to sites located within the AONB.

3.22 It is evident the Council has undertaken time and effort to understand the impact of growth on the AONB. This is evident in the Topic Paper and Section H. The Council rightly acknowledges National Policy and Guidance, including the Countryside and Rights of Way Act 2000, The NPPF Paragraph 171 and 172 and Footnote 55, the PPG and the High Weald AONMB Management Plan.

3.23 However, the Council has not pursued the appropriate sequential approach to assessing sites in the AONB.

3.24 Instead (and as paragraph 6.111 and 6.112 of the Topic Paper confirm), the Council has first established that there is a need to develop in the AONB (the correct starting point). However, the Council then 'leap' immediately to the issue of 'major' development in the AONB as required by paragraph 172 of the NPPF without first fully testing paragraph 171 of the Framework.

3.25 Paragraph 171, (whilst referenced in para 6.121 of the Topic Paper), is wholly 'put in the corner' by the Council and the remainder of the Topic Paper and site selection process. The Council has become blinded and fixated on the notion of major AONB release, without first exploring and maximising 'non major' AONB release.

3.26 Paragraph 171 is clear that '*LPAS should favour allocating land with the least environmental or amenity value, where they are consistent with other policies in the framework*'. Paragraph 172 goes onto to describe 'major' development in the AONB should be refused, other than in exceptional circumstances. Footnote 55 confirms the definition of major development in the AONB.

3.27 The NPPF therefore applies a sequential approach to development in the AONB (and other protected areas). Firstly, you should locate development away from these areas, and then, if development requires to go in these areas (as the Council acknowledge is the case), that they must be achieved with those sites with the 'least environmental or amenity value'. The Council is still operating within the parameters of paragraph 171 of the NPPF, but has chosen to skip this step and move onto paragraph 172 and seek major AONB release.

3.28 This whole position is contrary to the AONB Management Plan Objective S2, which the Topic Paper itself acknowledges in para 6.162 is crucial to achieve. If the Council pursued the correct methodology as required by Paragraph 171 and the AONB Management Plan, then this would naturally lead to the conclusion of allocating all of the appropriate non major AONB sites in the first instance.

3.29 This has not occurred and is a fundamental flaw in the Council's approach.

3.30 Major development allocation in the AONB is therefore a matter of 'last resort' and subject to 'exceptional circumstances'. Crucially part b of exception criteria contained in paragraph 172 seeks that *'the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way'* needs to be assessed. **The Council has failed to recognise the role of non-major sites in being able to 'meet the need for it in some other way'** and accordingly misdirected itself when undertaking the exceptional circumstances test.

3.31 The appropriate site selection criteria in Cranbrook is to firstly identify and allocate all the 'non major' developments and then understand what the remaining balance of housing is required to be allocated as major development.

3.32 However, we do not see this in the site selection criteria. In fact, there is no evidence base that sets out why previously allocated sites were removed, instead only a high-level SA and a retrofitted 2021 SHELAA that seeks to provide commentary on the alternative Sites in Cranbrook.

3.33 The Topic Paper reaffirms that only the sites that have been selected as preferred allocations in the Regulation 19 Plan have been assessed as being major development or not. Indeed Appendix 4 of the Topic Paper undertakes analysis of the net beneficial effect on the AONB as a whole due to the reduction in overall quantum of development in Cranbrook, but does not go onto undertake any further assessment on the impact on the AONB by first assessing non major sites, and then major or a combination thereof.

3.34 This is a fundamental flaw in the Evidence Base and needs to be rectified to make the plan sound as it is not currently consistent with National Policy.

3.35 Furthermore, the Topic Paper further suggests that the Council has allocated the greater part (69%) as smaller schemes (para6.162). it is unclear what the Council define as smaller scheme but clarity is sought as to how this % figure reflects in actual numbers of dwellings. By way of example, it is misleading to suggest only 10% of allocations are major developments in the AONB. This has no relevance to the wider plan or the impact upon the AONB itself.

3.36 By way of example, in Cranbrook, Appendices 2 and 4 confirm that all 3 sites allocated are deemed major development by the Council. This means that in Cranbrook, 100% of the allocated sites and 100% of the total number of houses being delivered are on 'major' AONB sites. This is against the grain of the suggested Evidence Base and the misleading picture the Council is seeking to present within the Topic Paper.

3.37 We suggest that the site allocation criteria in Cranbrook is reassessed. The site at Wilsley Farm is a wholly appropriate allocation and supported by the Regulation 18 Local Plan and its Evidence Base. The 2021 Evidence Base has been retrofitted and the Council has misdirected itself in how to approach allocation within the AONB.

3.38 The allocation of the site would represent as non-major AONB site in control of an SME developer that is under 1ha in size. The site has been tested within the appropriate evidence base and would go some way to rectify the Councils present deficiencies in its Local Plan.

3.39 We consider the site is wholly in keeping with the Councils evidence base in as far that it has a low environmental and visual impact. Furthermore, the allocation of this site will go some way to support SMEs and be included as a site that is under 1ha in size in which the Council is also failing to comply with (para 68).

3.40 The Council has not pursued its own evidence base in respect of sequentially assessing non major AONB sites before allocating major AONB development sites. The Evidence Base is therefore not robust, and the plan is not effective as a result.

4.0 SUMMARY

4.1 These representations have been prepared by Esquire Developments, a multi -award winning SME Housebuilder based in Longfield, Kent. Esquire has land interests throughout the Borough including specifically Land adjacent to Wilsley Farm, Wilsley Green Cranbrook.

5.2 Land adjacent to Wilsley Farm is being promoted for a residential scheme for up to 20No. Residential dwellings. The site was subject to a recent planning application that was refused by TWBC in April 2021.

5.3 It is considered that the Pre-Submission Regulation 19 Local Plan is **unsound**. Alongside wholly supporting the Kent SME Representations, our comments are summarised as:

- . We are wholly disappointed that the Council is failing to recognise the role of SMEs in its Pre-Submission Plan. This is evident on the basis that the Local Plan is wholly silent with reference to SMEs.
- . The plan fails to allocate 10% of its housing numbers on sites of 1ha or less as required by NPPF Paragraph 68.
- . The plan fails to provide a sufficient evidence base, namely demonstrating a quantitative and qualitative approach to supporting SME sites.
- . The plan is over-reliant on the anticipated delivery of its strategic large-scale sites in which the largest comprises an oligopoly of National Volume Housebuilders and the other has no developer yet on board;
- . The Plan fails to provide for a robust housing trajectory and requires the identification of smaller sites to provide for a more effective plan.
- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.
- . The Council has undertaken a flawed approach to site selection in the AONB and misapplied paragraphs 171 and 172 of the Framework.
- . The Council has not appropriately assessed the exceptional circumstances required for major AONB release and failed to recognise the role played by non-major AONB sites.
- . The Council has retrofitted its evidence base to suit its current position in respect of the 2019 and 2021 SHELAA conclusions of the site.
- . The site is considered to wholly meet the requirements of the plan, being an SME led, non-major site of under 1ha of land in a sustainable location.
- . Accordingly, the plan is considered **unsound** as it is:
 - o Not Positively Prepared as it does not fulfil paragraph 68 (a) of the NPPF regarding 10% provision of small sites and has sought to reduce its plan period to reduce housing numbers;
 - o Not justified as the appropriate evidence base is lacking, particularly relating to
 - housing delivery and NPPF Paragraph 72 (d).
 - identifying sites with the least environmental or amenity value as per paragraph 171 of the framework;
 - has not appropriately assessed the exceptional circumstances to justify major AONB development.
 - o Not effective as the reliance on larger sites reduces the opportunity to diversify the housing market (especially in Cranbrook) and will not deliver the required housing within the plan period.
 - o Is not consistent with National Policy as it does not conform to Paragraph 68, Paragraph 171 and paragraph 172.

Question 6

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

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

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

See attached representations

[TWBC: the paragraphs below are two relevant extracts from the full representation, which is attached as a supporting document]

3.37 We suggest that the site allocation criteria in Cranbrook is reassessed. The site at Wilsley Farm is a wholly appropriate allocation and supported by the Regulation 18 Local Plan and its Evidence Base. The 2021 Evidence Base has been retrofitted and the Council has misdirected itself in how to approach allocation within the AONB.

3.38 The allocation of the site would represent as non-major AONB site in control of an SME developer that is under 1ha in size. The site has been tested within the appropriate evidence base and would go some way to rectify the Councils present deficiencies in its Local Plan.

3.39 We consider the site is wholly in keeping with the Councils evidence base in as far that it has a low environmental and visual impact. Furthermore, the allocation of this site will go some way to support SMEs and be included as a site that is under 1ha in size in which the Council is also failing to comply with (para 68).

3.40 The Council has not pursued its own evidence base in respect of sequentially assessing non major AONB sites before allocating major AONB development sites. The Evidence Base is therefore not robust, and the plan is not effective as a result.

- . We consider the Plan should include a small sites policy for up to 60 dwellings. This is considered to be a proactive and effective way to support SME growth in policy and assist in delivering high quality bespoke developments.

Question 7

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

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

Question 7a

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

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

Due to the content and extent of the representations require verbal exploration with the Inspector.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1792 Esquire Developments SI Representation with Appendices.pdf](#)

Future Notifications

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

Comment

Consultee	Anne Etherington Rich [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anne Etherington Rich [REDACTED]
Comment ID	PSLP_57
Response Date	23/04/21 10:28
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mrs Anne Etherington Rich
Question 3	
To which part of the Local Plan does this representation 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

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

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

This land is Green Belt land and should only be built upon if an “exceptional circumstance” exists. TWBC’s own assessments in their Sustainability Appraisal show that Paddock Wood can expand and meet most of the plan’s aims without using the Green Belt land at East Capel. The comment above about coalescence and the creation of a conurbation from Paddock Wood right across to Tonbridge is very relevant here, as is the land’s use as a flood plain. Building here, even with flood risk mitigation and “betterment” could have disastrous consequences for all, as the measures being looked at are based on old data that does not fully consider the impact of climate change.

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

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	Anne Etherington Rich [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Anne Etherington Rich [REDACTED]
Comment ID	PSLP_56
Response Date	23/04/21 10:21
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	

Respondent's Name and/or Organisation	Mrs Anne Etherington Rich
Question 3	

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

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

Policy STR/SS 3: The Strategy for Tudeley Village

Question 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.

Tudeley is a settlement that has existed for hundreds of years and is recorded in the Domesday Book. Now TWBC want to destroy it. Your chosen method of destruction is to turn this settlement into a "Garden Village" which sounds very pleasant but in reality means dumping a housing estate of 2,800+ houses on land that is at present both farmland and Greenbelt land, swamping and overwhelming the current residents of this small settlement.

I read in my copy of Autumn 2019 Local that TWBC want to make a positive contribution to combating climate change and I am confused. Surely we should be treasuring and protecting our farmland, so that we can grow the crops we need rather than importing them from abroad, thereby lessening our carbon footprint.

The same applies to our Green Belt land. Green Belts are the lungs of this country and as such should be strongly protected. Tudeley is wholly within the Green Belt and to my mind forcing 2800+ homes on the current settlement is akin to planting a cancer seed in those lungs.

I begin to wonder if the lunatics have taken over the asylum.

The bulk of the land slopes down from the B2017 to Tudeley Hale and is dissected by the railway line. It is served by two narrow country roads, one, Sherenden Road is more a lane than road and goes under the railway via a small, height restricted bridge. The other, Hartlake Road, is slightly wider and goes from Tudeley to Golden Green. At the Tudeley end is a sign saying it is not suitable for HGV's and it crosses the railway via a narrow bridge. Hartlake Road has become a "rat run" at the start & end of most weekdays as people drive to work or schools. Outside of commuting times it is quieter with large tractors & farm vehicles going about their business, however, when there are road works or an accident in Tonbridge, drivers use the road to get from the north of Tonbridge to the south.

Hartlake Road crosses the flood plain, so at times of flood it is impassable and is closed.

These are the only two roads that serve both parts of the proposed building site, so it is hard to imagine how construction traffic will access the land north of the rail line, unless of course it comes into Hartlake Road via Golden Green. I wonder, do the residents of Golden Green realise their lives could be disrupted by this traffic for years?

The same applies with utilities. As far as I am aware gas & sewage pipes were only installed along the B2017 part of Tudeley, they certainly didn't extend to Tudeley Hale as it was deemed too expensive and not cost effective at the time. So these will need to be installed. Over or under the railway? Whichever option is favoured, it will mean road closure and disruption to the lives of the current residents, who will also have to endure several years of living near or by a building site.

As previously mentioned, the proposed building site land slopes down from the B2017 to Tudeley Hale. Beyond Tudeley Hale is the floodplain. Throughout the lower part of Tudeley Hale there is a network of drainage ditches that keep the farmland drained. At times of prolonged rain or flood these ditches become inundated with water and can overflow. Both my front & back gardens have been

flooded several times over the years, and the fields beside and behind my house have become waterlogged too. The prospect of flooding is a worry, particularly as we are told sea levels are likely to rise in coming years. Having a housing estate built on a sloping site that leads down to your locality adds to that worry. There will be run off from all that hard standing & tarmac, will it ALL be gathered and contained, or will some escape and find its way into the drainage ditches, increasing the risk of flood?

The pollution is a real worry too. 2,800 houses mean at least 2,800 extra vehicles on the roads around Tudeley, probably double that as most households have more than one car these days. Then there is the extra traffic from the other proposed sites in Capel. Our air quality is going to seriously diminish!

I know your plan is that everyone will use public transport, cycle or walk, but you don't live here. Take it from one that has relied on public transport for 40+ years, bus timetables are not respecters of appointments, be they with doctor, dentist, hospital or hairdresser. I have wasted many hours of my life getting an earlier bus than I want to because I have an appointment to keep.

As for cycling along the B2017, at present you would be foolhardy to attempt this at peak traffic times. My husband, also a non driver, cycles to and from work in Hildenborough every day, he starts work very early so thankfully he misses the peak traffic, but he gets wet when it rains, and freezes in the winter. Not many people, particularly commuters, would do this willingly.

People who have cars will use them, if you think otherwise you are seriously deluded.

Light pollution is also a concern. Away from the Crockhurst Street part of Tudeley there are no street lights or pavements. Here in Tudeley Hale, it is dark at night and you can see the stars. The lights from a housing estate on a sloping site would stick out like a sore thumb and would be seen for miles.

Likewise with noise pollution. Away from the B2017 Tudeley is a quiet peaceful, place. Tudeley Hale is in a valley and any sound tends to ricochet around the valley. 2,800 dwellings on what is at present farmland are likely to produce extra noise. Indeed, the building of those dwellings is likely to make the whole area noisier for years to come.

Your draft plan for Tudeley mentions often the provision of green spaces for leisure activities. Please don't bother, we already have them. It's called countryside. Here in Tudeley we have a good network of public footpaths that are well used. In Tudeley Hale at weekends and quiet times there are people rambling, leisure cycling, riding horses or making their way to Hartlake Bridge to do some fishing. Some people just walk towards the river so they can stop and look around at the scenery. Being in a valley means you get a beautiful view of fields, woodland and hedgerows that all slope up to the distant hills. We may not be within the AONB, but we should be! It's not just locals that do all these activities, a good percentage of the people come from Tonbridge or other surrounding areas to enjoy open space away from buildings and town life. Often they end their walk or bike ride at the local pub where they will sit in the garden with a cool drink & something to eat all the while looking at the view. If your plan goes ahead they will be looking at a housing estate, I suspect that they will not return.

The Covid Pandemic has highlighted just how valuable this green, open countryside is, as the numbers of walkers, cyclists & now runners, has increased enormously as people have sought somewhere that isn't too far from home to take their daily exercise. Sadly, they have not been able to visit the pub because it has been closed due to lockdown, but at least they have been able to enjoy the space, scenery and fresh air, which has been even fresher due to less traffic during the pandemic!

Your plan will 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).

Most importantly is the wildlife. Our wildlife population in the area is wide and diverse. The land you want to build your housing estate on is not only greenbelt, not only farmland but is also home to the wildlife. What are all the birds and creatures supposed to do when you start building, removing hedgerows, cutting down trees, destroying their habitat? Pack their suitcases and move on? Where to?

The plan preparation process didn't include Tudeley (sites CA1 and CA2) until after the Issues and Options Process in 2017. This means that the largest housing area in the plan didn't go through most

of the plan preparation process. The Issues and Options process led to most people (60%) wanting a growth corridor led approach. Less than half wanted a garden settlement and that was when they didn't know the garden settlement would involve destruction of Green Belt. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation. I think that the plan should be re-written to implement a growth corridor led approach and to protect Green Belt land within the borough.

Earlier in the plan (in 4.40) you refer to Tudeley Village securing a long term option for the borough to deliver the needs of future generations. It is clear from this statement that you intend to add more and more housing to this "garden settlement" in each five year review of future Local Plans.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

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

Finally; Though I live in Tudeley, my postal address is Tonbridge, my landline dialling code is Tonbridge, my doctor is in Tonbridge, I am a member of Tonbridge library, I do my shopping in Tonbridge and yet I pay my council tax to you, TWBC. If your plan should go ahead I suspect any new residents would do exactly the same, which to my mind doesn't seem very fair on Tonbridge, they provide the amenities and you get the money.

Therefore I strongly object to your plans for Tudeley.& Capel.

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_98a-b

Comment

Consultee	Mr Euan Burrows [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Euan Burrows, Mockbeggar Lane and group of East End residents
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Euan Burrows, Mockbeggar Lane and group of East End residents [REDACTED]
Comment ID	PSLP_1766
Response Date	04/06/21 13:38
Consultation Point	Policy STR 10 Neighbourhood Plans (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1762, 1764-1766_E_Burrows_SI-2.docx PSLP_1762,1764-1766_E_Burrows_SI-1.docx
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Euan Burrows
Question 3	
To which part of the Local Plan does this representation 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 10 Neighbourhood Plans

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1762, PSLP_1764, PSLP_1765 and PSLP_1766]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

- . It is not 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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18)

[https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).

6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:

“The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), 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.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated

and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that:[\[https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf\]](https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf)

"2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale."

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

"Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable"

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *"the residential aspect is not a sustainable location."* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior to* the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *"Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle."* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

"4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable

development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)"

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be “remote” and “isolated” and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *“Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard’s Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an ‘active travel link’ between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard's Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

32. The stated intention of the Local Plan is to withdraw policies in the Local Plan if Neighbourhood Plans are adopted prior to the examination of the Local Plan which contain policies similar to those in the Local Plan (paragraph 4.145, Policy STR10).

33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

ii) Where it is engaged, the basic condition in paragraph 8 (2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in “general conformity” with the strategic

policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (St Albans City Council v Hunston Properties [2013] EWCA Civ 1610; Solihull Metropolitan B.C. v Gallagher Estates Ltd [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in Hunston and Gallagher in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially

unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4 need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if 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)? . 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

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_98a-b

Comment

Consultee	Mr Euan Burrows [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Euan Burrows, Mockbeggar Lane and group of East End residents
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Euan Burrows, Mockbeggar Lane and group of East End residents [REDACTED]
Comment ID	PSLP_1762
Response Date	04/06/21 13:38
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_1762, 1764-1766 E Burrows SI-2.docx PSLP_1762,1764-1766 E Burrows SI-1.docx
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Euan Burrows
Question 3	
To which part of the Local Plan does this representation 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, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1762, PSLP_1764, PSLP_1765 and PSLP_1766]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

- . It is not 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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18)

[https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).

6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:

“The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), 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.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated

and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that: [https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf]

"2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale."

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

"Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable"

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *"the residential aspect is not a sustainable location."* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior* to the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *"Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle."* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

"4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)"

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be "remote" and "isolated" and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *"Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard's Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an 'active travel link' between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard's Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

32. The stated intention of the Local Plan is to withdraw policies in the Local Plan if Neighbourhood Plans are adopted prior to the examination of the Local Plan which contain policies similar to those in the Local Plan (paragraph 4.145, Policy STR10).

33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

ii) Where it is engaged, the basic condition in paragraph 8 (2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in “general conformity” with the strategic

policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.;

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (St Albans City Council v Hunston Properties [2013] EWCA Civ 1610; Solihull Metropolitan B.C. v Gallagher Estates Ltd [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in Hunston and Gallagher in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially

unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4 need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if 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)? . 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

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_93a-b

Comment

Consultee	Mr Euan Burrows [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Euan Burrows, Mockbeggar Lane and group of East End residents
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Euan Burrows, Mockbeggar Lane and group of East End residents [REDACTED]
Comment ID	PSLP_1764
Response Date	04/06/21 13:38
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1762,1764-1766_E_Burrows_SI-1.docx PSLP_1762,1764-1766_E_Burrows_SI-2.docx

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Euan Burrows

Question 3

To which part of the Local Plan does this representation 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, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1762, PSLP_1764, PSLP_1765 and PSLP_1766]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

- . It is not 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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18)

[https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).

6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:

“The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), 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.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated

and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that: [https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf]

"2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale."

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

"Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable"

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *"the residential aspect is not a sustainable location."* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior* to the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *"Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle."* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

"4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)"

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be "remote" and "isolated" and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *"Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard's Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an 'active travel link' between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard's Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

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33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

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policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (St Albans City Council v Hunston Properties [2013] EWCA Civ 1610; Solihull Metropolitan B.C. v Gallagher Estates Ltd [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in Hunston and Gallagher in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially

unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4 need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if 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)? . 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

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_98a-b

Comment

Consultee	Mr Euan Burrows [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Euan Burrows, Mockbeggar Lane and group of East End residents
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Euan Burrows, Mockbeggar Lane and group of East End residents [REDACTED]
Comment ID	PSLP_1765
Response Date	04/06/21 13:38
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1762,1764-1766_E_Burrows_SI-2.docx PSLP_1762,1764-1766_E_Burrows_SI-1.docx
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Euan Burrows
Question 3	
To which part of the Local Plan does this representation 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, AL/BE 4 and STR 10 – see Comment Numbers PSLP_1762, PSLP_1764, PSLP_1765 and PSLP_1766]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

- . It is not 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.

Draft Tunbridge Wells Local Plan – Regulation 19 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. These representations are concerned with the policies in the draft Tunbridge Wells Local Plan ('the Local Plan') affecting Benenden, in particular Policy PTSR/BE1, Policy AL/BE3 and Policy AL/BE4. These representations further concern Policy STR10 insofar as Tunbridge Wells Borough Council's ('the Council') stated intention to withdraw local plan policies in the event that neighbourhood plans are adopted prior to the completion of the examination of the Local Plan. Beyond these identified policies, these representations are not concerned with either the legality or soundness of the Local Plan as a whole.
3. As currently drafted, the identified policies are unsound and cannot be adopted. They are unjustified, ineffective and inconsistent with national policy.

Policy PTSR/BE1 – Limits to Built Development

4. Policy PTSR/BE1 of the Local Plan seeks to define the strategy for Benenden parish. Paragraph 1 of Policy PTSR/BE1 states that:

The development strategy for Benenden parish is to:

1. Set Limits to Built Development for Benenden village, as defined on the Policies Map (Inset Map 17) as a framework for new development over the plan period;
- 1 The proposed limits to built development ('LBD') for Benenden are shown on Inset Map 17. [https://tunbridgewells.gov.uk/__data/assets/pdf_file/0008/387962/Inset-Map-17-Benenden.pdf] Notably, the majority of development proposed for Benenden is actually outside of the LBD for Benenden and is in fact directed towards Benenden Hospital (Inset Map 18)

[https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/387963/Inset-Map-18-Benenden-Hospital.pdf], Policies AL/BE3 and AL/BE4 of the Local Plan).

6. The purpose of LBDs is to act as settlement boundaries, the effect of which being that that development is focussed within LBDs. Policy STR1(2), (9) of the Local Plan states that:

“The broad development strategy for Tunbridge Wells borough over the period 2020-2038, as shown indicatively on the Key Diagram (Figure 5), 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.

To achieve this, the Local Plan:

2. Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan;

[...]

9. Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary

7. This accords with the stated strategy for Benenden in the Local Plan. Paragraph 5.416 of the Local Plan states that:

“The LBD around Benenden village sets the extent of existing and planned development, and provides for any potential future windfall development. Any windfall sites that do come forward for residential development over the plan period should provide affordable housing in accordance with the relevant Local Plan policy in Section 6, having regard to information on local housing needs”

8. Accordingly, LBDs play a fundamental role in the Local Plan. They define areas to which development is directed (STR1; paragraph 5.416, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4) and define areas beyond the LBD as countryside. As a result, of this development proposals outside of the LBDs will be significantly harder to obtain permission for.

9. In our view the LBD currently proposed for Benenden fails to accord with the Local Plan. It unjustifiably excludes built development to the west of the New Pond Road crossroads towards Benenden School, bordering the B2086, and also excludes Iden Green in its entirety. The purported basis for the exclusion of Iden Green is that this settlement has *“limited key facilities and bus service making them unsustainable in this context.”* [Paragraph 3.1(b) of the Limits to Built Development Topic Paper https://tunbridgewells.gov.uk/__data/assets/pdf_file/0009/388098/Limits-to-Built-Development-Topic-Paper.pdf]

10. Furthermore, the boundary of the LBD is artificially constrained within Benenden itself. This avoids any prospect of in-filling in suitable sites within and immediately adjacent to the village and has in turn informed the site-selection process and excluded several suitable sites in sustainable village locations (Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4).

11. Policy STR1(3) states that the Local Plan will provide *“for the growth of settlements, having regard to their role and function, constraints, and opportunities.”* However, the LBD as currently drawn for Benenden and Benenden Hospital, fails to apply this reasoning. It has resulted in sustainable, appropriate sites for development being excluded from Benenden and pushed development to unsustainable, isolated areas (AL/BE3 and AL/BE4). This is addressed in the submissions below on the sustainability of AL/BE3 and AL/BE4 but, in our view, the only conclusion that can be drawn is that the LBD for Benenden is unsound, undermines the Local Plan and should not be adopted.

Policies AL/BE3 and AL/BE4

12. The land subject to policies AL/BE3 and AL/BE4 is situated approximately 4km to the north east of Benenden ('the Site'). It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). At present, there is nothing on the Site beyond houses and the hospital (with associated buildings).

13. The Site contains some land which is previously developed, but also 3 Local Wildlife Sites, greenfield areas and rare grassland (see TWFDLP Comments, DLP_3458). In any event, the presence of some previously developed hospital infrastructure within the Site, which itself is placed within an isolated

and wholly rural setting, does not override its fundamental unsustainability in local or national planning policy terms for development on the scale proposed.

14. In this regard, the Site is clearly unsustainable. This is demonstrated by both the Sustainability Appraisal ('the SA') and the extant planning permission. The extant permission does not set a precedent for development on the Site but rather was a highly fact-sensitive decision which, properly understood, should not be used as a justification for further development. There are other more appropriate sites in Benenden which, had the SA been properly applied, would have been selected.

The extent planning permission

15. There is currently permission for 24 new dwellings on the Site (TW/12/03130, subsequently amended by 14/505641/FULL). The justification for the 2012 application can be seen from paragraphs 2.07 – 2.08 of the Committee Report for the 2012 permission, which state that: [https://twbcpa.midkent.gov.uk/online-applications/files/C51CE242B260EDEE3F5806A1D9D5B596/pdf/12_03130_EIAMJ-Committee_Report-3829324.pdf]

"2.07 The Design and Access Statement identifies that the redevelopment aspirations of the hospital follow consideration of a number of development options including a new build solution. It was concluded (by the Hospital Trust) that the preferred strategy for the future of the site would be to centralise development on the existing hospital through a process of new build extension to enable a consolidation of services and the optimisation of functional arrangements.

2.08 In looking at the options the Hospital Trust concluded that those parts of the estate surplus to requirements could potentially be marketed for sale in order to generate funding support for the scheme. This subsequently led to the confirmation that the administrative South East quadrant (excluding Peek Lodge, Windmill Cottage and Joy Carey buildings) would be put up for sale."

16. In our view, it is significant that the primary justification for the residential aspect of the 2012 permission was to generate funding for the re-development of the hospital facilities. At no point was this intended to demonstrate the suitability of the Site for wide-spread development. Rather, this was a bespoke planning permission which has to be understood on its own facts. Whilst permission was granted, the 2012 report expressly noted at paragraph 10.27 that:

"Relevant factors also include the fact that the site is in a remote, isolated location and therefore the site is not a sustainable one – seeking a higher density of residential development would lead to such matters as higher car use for example which would not be sustainable"

17. This accords with the consultation response from the expert Highways Authority, Kent Highways Services, summarised at paragraph 6.43, which notes, among other things, that *"the residential aspect is not a sustainable location."* There is no provision made in the 2012 permission to address the unsustainability of the Site in terms of transport.

18. The Site was deemed to be remote, isolated and unsustainable *prior* to the 2012 permission being granted for, among other things, the development of 24 houses. There is no provision in the 2012 permission to address the unsustainability of the Site. It follows that the Site is still unsustainable, if not more unsustainable given the additional issues which will be caused by the development of the 24 houses. Allocations in the Local Plan (AL/BE3 and AL/BE4) cannot be justified on the basis of funding healthcare development at the hospital given the Local Plan cannot specify who will financially benefit from building out AL/BE3 and AL/BE4. On this basis alone it is clear that further residential allocations on the Site are wholly inappropriate.

Policies AL/BE3 and AL/BE4 – sustainability

19. Policy STR3 of the Local Plan states that *"Proposals that provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle."* Paragraphs 4.68 and 4.70 of the explanatory text to Policy STR3 state that:

"4.68 - A key principle underpinning the overall strategy set out in the Local Plan for the pattern and scale of development is that it makes as much use as possible (optimal use) of suitable PDL (previously developed land)/brownfield sites and under-utilised land, including optimising the density of development, particularly in the borough's town centres and other locations well served by public transport

[...]

4.70 - The Local Plan includes a number of site allocations on brownfield sites, making effective use of such sites, as required by the NPPF, helping to achieve the overarching need for sustainable development. Such sites tend to be located within established LBDs. This is reflected in Policy STR 1: The Development Strategy. (Para 1 Policy STR1 - Promotes the effective use of urban and previously developed (brownfield) land, having due regard to relevant Plan policies;)"

20. On any reading, the support in Policy STR3 for use of brownfield land and buildings is predicated on those sites being sustainable. The position in the Local Plan is that brownfield sites in sustainable locations will be supported in principle. It is not that brownfield sites in any location will be supported in principle. This accords with the broad definition of sustainable development given in the NPPF, based on the three overarching objectives of economic, social and environmental. Whilst the use of brownfield land may go to the environmental objective of sustainability, the presence of some previously developed infrastructure within a site cannot be dispositive of whether sites and developments are themselves sustainable.

21. It is unarguable that the Site is sustainable. As made clear above, the Site was found to be "remote" and "isolated" and therefore unsustainable in 2012. No infrastructure has been introduced since. The only change is the extant permission for the development of 24 homes which further stresses the sustainability and connectivity of the Site. On this basis, there is no policy support for the allocation of development to this location.

22. Furthermore, as made clear in earlier representations as part of the regulation 18 consultation response to the Local Plan submitted on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden, there are significant issues in the SA which have resulted in Policies AL/BE3 and AL/BE4. Those representations have been appended to these representations rather than repeated in full, but a number of points are reiterated here.

23. First, and fundamentally, the filtering exercise carried out in the SA which led to the selection of the Site over other options has been misapplied. The first two bullet points of paragraph 8.1.4 of the SA provide that sites will be filtered out if they are:

- . *"Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)*
- . *Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)*

24. If these points were to have been correctly applied, it is inconceivable that AL/BE3 and AL/BE4 would have emerged as a preferred option. The Site is acknowledged to be located in a remote location away from existing settlements and is not well related to the nearest settlements of Benenden and Biddenden, both of which are 4km away. The only means of transport between East End and Benenden is along the narrow Goddard's Green Road. There is no walking path and no cyclepath between East End and Benenden. Indeed, this lack of relation to Benenden is clearly acknowledged by the wording of AL/BE3 and AL/BE4, which require the provision of an 'active travel link' between the site and Benenden village.

25. Second, and leading on from this point, the SA itself identifies that the Site is unsustainable but then suggests that this can be addressed through future development. However, this is fundamentally misguided. The correct approach is to consider a potential site as it exists, not after hypothetical development has taken place. Otherwise, all sites would be acceptable, thereby rendering the site-selection process pointless.

26. As such these policies are unjustified. They are the result of an inconsistent approach to determining limits to built development and a fundamentally flawed SA.

Policies AL/BE3 and AL/BE4 – conclusion

27. These policies would result in the development of an isolated residential outpost in an unsustainable location on the edge of the AONB.

28. Policies AL/BE3 and AL/BE4 are unjustified. They are the result of an inconsistent and erroneous approach within the SA. This is reflected in the proposed LBD for Benenden which have artificially excluded a number of viable sites for development, pushing development to an isolated, remote and unsustainable location in the East End.

29. Policies AL/BE3 and AL/BE4 are inconsistent with the Local Plan. They are not sustainable, contrary to Policy STR1. The existence of some previously built development does not render the scale of development now sought on the site compatible with STR3 or overcome its fundamental incompatibility with the wider local applicable policy framework. In particular, the Site is isolated and remote and will necessitate travel by car, contrary to Policies STR6, STR7 and TP2. This will result in severe residual cumulative impacts on Goddard's Green Road, contrary to Policy EN1. Moreover, these proposed policies for the Site also fail to afford protection to the setting of the AONB, contrary to Policy EN20, which is a fundamental requirement in this rural area.

30. At the national level, Policies AL/BE3 and AL/BE4 are also inconsistent with the NPPF. They represent unsuitable development in an unsustainable location, contrary NPPF chapter 2 and paragraphs 78 – 79. The development is not located to existing settlements and would have an unacceptable impact on local roads, contrary to NPPF paragraph 84. These policies do not and cannot promote sustainable transport, contrary to NPPF chapter 9.

31. For these reasons, Policies AL/BE3 and AL/BE4 are unjustified, ineffective and inconsistent with the Local Plan and the NPPF. It therefore follows that these policies are unsound and cannot be adopted.

Policy STR10 – interaction between draft Neighbourhood Plans and the Local Plan

32. The stated intention of the Local Plan is to withdraw policies in the Local Plan if Neighbourhood Plans are adopted prior to the examination of the Local Plan which contain policies similar to those in the Local Plan (paragraph 4.145, Policy STR10).

33. This stated intention applies directly to Benenden. Paragraphs 5.420 – 5.422 of the Local Plan provide that:

“5.420 Local policies are also being prepared through the Benenden Neighbourhood Plan (BNP), which will become an increasingly important consideration as it progresses. The BNP was submitted to Tunbridge Wells Borough Council in October 2020 and was consulted on between 30 October and 11 December 2020. The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.

5.421 If the BNP progress through the relevant stages, including referendum, a decision will be made by the Full Council of Tunbridge Wells Borough Council whether to make the Benenden NDP part of the development plan for Tunbridge Wells borough. If this is agreed, all decisions on planning proposals within the parish of Benenden will be required have regard to its policies.

5.422 If this occurs while this Plan is still under consideration, the allocation Policies AL/BE1, AL/BE2, AL/BE3, and AL/BE4 will be omitted. Rather, the settlement chapter in the Local Plan for Benenden will refer to the site allocations, and other relevant policies in the made BNP. This would be undertaken through modifications to the Local Plan, which would be consulted on.”

34. It is well-established that the examination of a draft local plan is wholly distinct from the examination of a draft neighbourhood plan and must be assessed on its own merits. A draft local plan can only be adopted if it is sound. There is no requirement to consider whether a draft neighbourhood plan is sound. Instead, the question to determine is whether it is appropriate to make the plan having regard to national policies and advice. As a result of this distinction there is no requirement to consider whether a draft neighbourhood plan is the most appropriate strategy for the area nor to consider whether it is based upon proportionate evidence as there is with a draft local plan.

35. These differences were summarised by Holgate J in *R (Crownhall Estates Limited) v Chichester District Council* [2016] EWHC 73 (Admin). He identified the following relevant principles at paragraph 29:

“i) The examination of a neighbourhood plan, unlike a development plan document, does not include any requirement to consider whether the plan is “sound” (contrast s. 20(5)(b) of PCPA 2004) and so the requirements of soundness in paragraph 182 of the NPPF do not apply. So there is no requirement to consider whether a neighbourhood plan has been based upon a strategy to meet “objectively assessed development and infrastructure requirements”, or whether the plan is “justified” in the sense of representing “the most appropriate strategy, when considered against reasonable alternatives” and based upon “proportionate evidence”;

ii) Where it is engaged, the basic condition in paragraph 8 (2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan as a whole be in “general conformity” with the strategic

policies of the adopted development plan (in so far as it exists) as a whole . Thus, there is no need to consider whether there is a conflict or tension between one policy of a neighbourhood plan and one element of the local plan;

iii) Paragraph 8(2)(a) confers a discretion to determine whether or not it is appropriate that the neighbourhood plan should proceed to be made “having regard” to national policy The more limited requirement of the basic condition in paragraph 8(2)(a) that it be “appropriate to make the plan” “having regard to national policies and advice” issued by SSCLG, is not to be confused with the more investigative scrutiny required by PCPA 2004 to determine whether a local plan meets the statutory test of “soundness”.;

iv) Paragraphs 14, 47 and 156 to 159 of the NPPF deal with the preparation of local plans. Thus local planning authorities responsible for preparing local plans are required to carry out a strategic housing market assessment to assess the full housing needs for the relevant market area (which may include areas of neighbouring local planning authorities). They must then ensure that the local plan meets the full, objectively assessed needs for the housing market area, unless, and only to the extent that, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted (St Albans City Council v Hunston Properties [2013] EWCA Civ 1610; Solihull Metropolitan B.C. v Gallagher Estates Ltd [2014] EWCA Civ 1610).

v) Those policies in the NPPF (and hence the principles laid down in Hunston and Gallagher in the interpretation of those policies) do not apply to the preparation by a qualifying body of a neighbourhood plan. Although a neighbourhood plan may include policies on the use of land for housing and on locations for housing development, and may address local needs within its area, the qualifying body is not responsible for preparing strategic policies in its neighbourhood plan to meet objectively assessed development needs across a local plan area. Moreover, where the examination of a neighbourhood plan precedes the adoption of a local plan, there is no requirement to consider whether it has been based upon a strategy to meet objectively assessed housing needs.”

36. Significantly, a draft neighbourhood plan is examined for general conformity with an adopted local plan and not against policies in an emerging local plan. Paragraph 006 of the PPG ‘Plan-making’ states that:

“They [neighbourhood plans] can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.”

37. The point of this is that, if adopted, as a matter of law the Neighbourhood Plan will have been subject to a far less rigorous examination than the Local Plan. Importantly, policies in the Benenden Neighbourhood Plan will not have been tested against the Local Plan. This means that there is no basis on which it can be said that the Benenden Neighbourhood Plan is in “general conformity” with the Local Plan. Whilst it may be the case that the draft Neighbourhood Plan has been prepared with the Local Plan in mind, it cannot be concluded that if both are adopted the Benenden Neighbourhood Plan will be in conformity with the Tunbridge Wells Local Plan given substantial main modifications may be required to ensure that the Tunbridge Wells Local Plan is sound.

38. However, notwithstanding these stark differences, at present Policy STR10 seeks to abandon the provision of site-specific policies for Benenden in the event that the draft Neighbourhood Plan is adopted. The practical result of this is that the Tunbridge Wells Plan would effectively “adopt” site allocations and other relevant policies in the Benenden Neighbourhood Plan (paragraph 5.422) which have not been found to be sound and which have not been tested against the Tunbridge Wells Local Plan. To be sound, Policy STR10 rests upon the wholly improper premise that policies in the Neighbourhood Plan would not only be found to be in general conformity with the Local Plan but also that those Neighbourhood Plan policies would be “sound” if tested against the Local Plan, given they will replace the provision of any site-specific policies in the local plan. Given the Local Plan has not yet been examined, this conclusion is simply not open to the local planning authority.

39. It is clear that this should not and cannot prevent the Neighbourhood Plan being examined and adopted prior to the examination and potential adoption of the Local Plan. Furthermore, we neither object to the desire to avoid repetition within development plan documents nor to avoid potentially

unnecessary superseding of neighbourhood plan policies. However, none of this justifies circumventing the proper local plan procedure. Given the uncontroversial marked procedural differences and requirements between the two examination processes, it is our case that it is unlawful and unsound to read neighbourhood plan policies into a local plan where those neighbourhood plan policies have not been subject to the rigorous examination of draft local plan policies to test them as sound. At no point will those neighbourhood plan policies been found to even be in general conformity with that local plan, let alone tested for soundness. At the least, Policies AL/BE1, AL/BE2, AL/BE3 and AL/BE4 need to be tested against the draft Local Plan to ensure that they are sound, even if this subsequently results in them being withdrawn by main modification.

40. This is especially true given there are a number of significant differences between site specific policies in the Neighbourhood Plan and the Local Plan, as noted by the examiner appointed to inspect the Neighbourhood Plan's initial comments of 26 March 2021. [<http://www.benendenneighbourhoodplan.org/wp-content/uploads/2021/04/Benenden-Initial-comments.pdf>]

He stated at paragraph 26 of his initial comments that:

"I note that the Pre-Submission Version of the Local Plan also allocates the same four sites for development, but the contents of the respective policies differ. Is there merit in the policies, at least having the same policy expectations within them? For example, if the neighbourhood plan is made first, then I understand that the intention of the Borough Council is to withdraw these allocations from the Local Plan and in which case, the requirements which are only found in the local plan, and are not within the neighbourhood plan, will be lost. Is there scope for at least a consistent approach to the policy requirements and would further discussions between the two parties be helpful? I would then be able to consider whether to accept any possible modification in my recommendations."

41. Accordingly, the effect of Policy STR10 is not only to circumvent the requirements of the local plan examination procedure but also to then "adopt" policies that differ from those currently in the Local Plan. This is unsound.

42. For these reasons, as presently drafted Policy STR10 is unsound and would be unlawful if 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)? . 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 shall attend with Counsel.

Points will be made with reference to National and Local Planning Policy, together with applicable legal obligations

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	Karen Evelyn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Horsmonden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Karen Evelyn [REDACTED]
Comment ID	PSLP_139
Response Date	15/05/21 19:22
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Karen Evelyn
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	

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

Policy AL/HO 3 - Land to the east of Horsmonden - Point 1.Horsmonden Overview 5.558

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

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

Question 5

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

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

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

I have a concern that the highways assessment referred to in point 1 may not take into consideration the poor visibility at the junction, the narrowness of the road or street parking along the Goudhurst Road. The Goudhurst Road is a minor rural road as stated in 5.558.

At present, visibility on to the Goudhurst Road is poor to the left and right and combined with the narrow road width makes for a very unsafe junction. With on street parking along the Goudhurst Road this will only compound the problem.

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 road access point does not support the potential increase in vehicle numbers entering and leaving the proposed housing site.

Question 7

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

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

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

Future Notifications

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

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

Comment

Consultee	Karen Evelyn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Horsmonden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Karen Evelyn [REDACTED]
Comment ID	PSLP_704
Response Date	31/05/21 20:47
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Karen Evelyn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy EN1 Sustainable Design, Point 6. Residential Amenity. Points 1 & 2 Page 326

Policy EN27, Noise, Points 2 a. and b. Page 394

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know

Complies with the Duty to Cooperate

Don't know

Question 4a

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

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

Question 5

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

After this 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.

Policy EN1 Sustainable Design, Point 6. Residential Amenity, Points 1 & 2 (Page 326) states '*Proposals should not cause significant harm to the .. occupiers of neighbouring properties...*'. This development will inevitably expose 1 Bassetts Villas to excessive noise, vibration, odour, air pollution, activity, vehicular movements and overlooking. The property is currently surrounded by orchards with very minimal activity and minimal noise and since the proposed development is located on a slope above and overlooking this property the noise, vibration, odour, air pollution, activity, vehicular movements and overlooking will inevitably be significant and detrimental.

Policy EN27, Noise - states Development will only be permitted where it can be demonstrated that re points 1 & 2 (page 394), the development will not expose existing users to noise or unacceptable noise. As the location of the development is so close to the boundaries of 1 Bassetts Villas and on a slope above the property, the noise levels will inevitably be unacceptable and hence under this development must not be permitted.

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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Policy EN1 Sustainable Design, Point 6. Residential Amenity, Points 1 & 2 (Page 326) states '*Proposals should not cause significant harm to the .. occupiers of neighbouring properties...*'. This development will inevitably expose 1 Bassetts Villas to excessive noise, vibration, odour, air pollution, activity, vehicular movements and overlooking. The property is currently surrounded by orchards with very minimal activity and minimal noise and since the proposed development is located on a slope above and overlooking this property the noise, vibration, odour, air pollution, activity, vehicular movements and overlooking will inevitably be significant and detrimental.

Policy EN27, Noise - states Development will only be permitted where it can be demonstrated that re points 1 & 2 (page 394), the development will not expose existing users to noise or unacceptable noise. As the location of the development is so close to the boundaries of 1 Bassetts Villas and on a slope above the property, the noise levels will inevitably be unacceptable and hence under this development must not be permitted.

As above, the proposed development is too close in proximity to 1 Bassetts Villas and therefore does not meet the policy criteria and must not be permitted.

Question 7

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

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

Question 7a

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

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

I don't feel that the rights of 1 Bassetts Villas will otherwise be fairly represented.

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	Karen Evelyn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], [REDACTED] Horsmonden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Karen Evelyn [REDACTED]
Comment ID	PSLP_706
Response Date	31/05/21 21:05
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Karen Evelyn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Land to the east of Horsmonden - Policy AL/HO3, point 5.600 and Point 10 of Policy AL/HO3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

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

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

Question 5

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

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

Re Land to the east of Horsmonden - Policy AL/HO3, point 5.600 and Point 10 of Policy AL/HO3 - further to my submission on the 15/05/21 with Comment ID PSLP_138 I would like to add that property 1 & 2 Bassetts Villas dates back to the 1900s and is of late Victorian or early Edwardian construction. It is therefore likely to be significantly older than New Bassetts Cottages for which special consideration has been given in point 10. I therefore ask that 1 & 2 Bassetts Villas should be accounted for and shown respect by allocating open space to the north, west and south of the properties.

Question 6

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Question 7

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

Question 7a

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

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

I don't feel that the rights of 1 & 2 Bassetts Villas are being fairly represented.

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	Karen Evelyn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Horsmonden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Karen Evelyn [REDACTED]
Comment ID	PSLP_138
Response Date	15/05/21 18:51
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Karen Evelyn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Land to the east of Horsmonden- Policy AL/HO 3, Point 5.600 and Point 10 of Policy AL/HO 3 Policy STR 2 Place Shaping and Design.	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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

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

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

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.

Land to the east of Horsmonden- Policy AL/HO 3,
Point 5.600 and Point 10 of Policy AL/HO 3 refer to:

A terrace of cottages, New Bassetts Cottages (not listed, but non designated heritage assets) are located 'in the middle' of the site but outside the site boundaries. It will be important that any development takes account of, and respects, the nearby listed buildings and the setting of New Bassetts Cottages; the area immediately fronting these cottages (within the site boundary) is allocated as open space.

To the south west of the site is an additional pair of cottages 1 & 2 Bassetts Villas which are akin to non-designated heritage assets for which no consideration has been made. In the plan these residences are surrounded on all four sides by the proposed housing development and I believe the same consideration should be shown to these houses as for New Bassetts Cottages. The plan neither 'takes account of' nor 'respects' these properties as it does for New Bassetts Cottages. I can see no reason why they should be treated differently. 1 & 2 Bassetts Villas are Victorian properties and were originally used as the office for the surrounding apple farm and provided accommodation to the farm workers, as such it was very much part of the Fruit Belt Landscape Character Area as referred to in point 5.557.

Question 6

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

1 & 2 Bassetts Villas should be accounted for and shown respect by allocating open space around the properties. A green and open space should be allowed to the north, west and south of the properties' boundaries to protect the amenity of the existing residents and their use with regard to noise, privacy and overbearing impact as required in Policy STR 2 Place Shaping and Design.

Question 7

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

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

Question 7a

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

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

The impact to properties 1 & 2 bassetts Villas is significant and detrimental.

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	Terry Everest [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Terry Everest [REDACTED]
Comment ID	PSLP_11
Response Date	29/03/21 12:00
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.1

Question 3

To which part of the Local Plan does this representation 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

Question 4

Do you consider that the Local Plan:

Is sound	No
----------	----

Question 4a

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

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

Question 5

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

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

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

The Local Plan is unsound in my view and in the views of my immediate and extended family, and friends. We do not accept that it is necessary and justified to construct large developments and new settlements on Green Belt land or on or near to AONB land. These protections were put into place to prevent over zealous development, urban sprawl and the conglomeration of once separate places.

We consider that most objectionable of all is the so called Tudeley Village which would be a development entirely out of keeping with the rural undeveloped location and would destroy large swathes of green belt which by the way is currently very pleasant green fields, woodland and a former quarry which is now a lake. This area is quiet, peaceful and serene and provides a large expanse of unspoilt land for wildlife, farming and natural outdoor space for local people.

Furthermore, this area lies between the settlements of Tonbridge and Paddock Wood, both of which are expanding in the direction of this proposal currently, or within this proposal are to be expanded. This means that regardless of the garden village principles the Tudeley Village does not protect from urban sprawl but will create an urban link between Tonbridge and Paddock Wood and therefore fail the test of being part of a sustainable plan or of being effective in terms of Green Belt.

There is an extremely popular campaign in motion to "Save Capel" opposing both of these developments including the expansions west of Paddock Wood. In addition a popular opposition to development at Ramsley exists. Given that these campaigns have support of at least 5000 respondents is it not surely required that these developments are removed from the local plan, we cannot accept these constant losses of AONB and Green Belt across the borough as it is not sustainable and does not respond to the climate crisis sufficiently.

The fields at Capel, Five Oak Green and Paddock Wood are pleasant places which currently serve to provide a home and refuge for wildlife and an effective green belt to those settlements and must therefore remain in place undeveloped, and should receive therefore enhanced protection. These fields and woods were loved by my relatives who lived in Five Oak Green and were places that they fought for during the Second World War by serving their country or doing their domestic duty.

Therefore we all oppose these devastating developments and insist that the borough reconsider that it must follow a prescribed government solution and that it should in fact scale back development across the borough rather than support additional growth. We recognise that some development is required but feel that it can be better located in these cases, and more sustainably achieved under a much reduced level of new allocations and greenfield across the board.

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	Michael Ewing [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Michael Ewing [REDACTED]
Comment ID	PSLP_677
Response Date	30/05/21 11:43
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Jennifer Ewing
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Question 3

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

Question 3a

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

Policy AL/RTW 6

Question 4

Do you consider that the Local Plan:

Is sound	No
----------	----

Question 4a

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

Do you consider that the Local Plan is not sound because:	. It is not consistent with national policy
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Question 5

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

After this 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.

SAFE ACCESS & ROAD SAFETY Paragraph 108 of National Planning Policy Framework states that safe and suitable access to the site should be achieved for all users. Upper Grosvenor Road is already a very busy and unsafe road with a long history of incidents and accidents particularly on the bend on which the access road (currently 202) will be created. We witness at least 3 incidents a year (not all attended by the police) (At least two known deaths.) It is already quite unsafe pulling out of drives on to such a busy road especially as cars parked on the road obscure the view and cars speed along Upper Grosvenor Road. The access road will be on sharp bend with a downhill slope so visibility will be very poor. The road will only get busier and with more housing, the number of parked cars will increase. (Parking may be part of the development but people always seem to have more cars and more visitors with cars than parking. There is already a parking overflow into UGR. Because people want to tuck their cars in off the road, people already park on the pavement blocking the pavements for prams and wheelchair users.) During the development no doubt the construction vehicles will block the road and decrease visibility further. There is a bus stop and Silverdale Lane, which gives on to Upper Grosvenor Road, opposite the proposed access road. There will be a lot happening at this junction and safety will be compromised. The road is used by children as St John's school is nearby. Children walk to schools such as TWGGS and Skinners via UGR and families need to be able to cross the road to go to the well used Grosvenor and Hilbert park, the entrance to which is about 500 metres from the proposed access road.

OVERDEVELOPMENT Further the proposed development overdevelops the site which is not in line with paragraph 117 of the NPPF which states planning policies should promote the effective use of land and ensure safe and healthy living conditions. It is a small strip and inappropriate shape (triangular) of land on which to put 45 units which will probably also have to make space for 50+ residents' cars. The development will be further cramped as many of the trees on the site are subject to tree protection orders so the developer will have to work round these orders. Development will lead to a loss of biodiversity. Such a densely developed site with so many units cramped into such a tiny space cannot lead to satisfactory healthy living conditions for future residents. Will the site have proper provision of community and green space for residents along with light, spacious, airy housing. And does the infrastructure exist to support the new residents such as school places and spaces at local doctors?

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	Nigel Exall [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Nigel Exall [REDACTED]
Comment ID	PSLP_1122
Response Date	03/06/21 22:20
Consultation Point	Table 6 Green Belt Sites (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Nigel Exall
---------------------------------------	-------------

Question 3

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

Question 3a

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

STR/SS3

Question 4

Do you consider that the Local Plan:

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

Question 4a

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

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

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

Question 5

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I have been a resident in Tudeley since 1984 & write in respect of the above consultation to express my deepest concerns about the proposed land use planning strategy for Capel/Tudeley.

The policies referenced above promote a comprehensive mixed use development for Capel/Tudeley, in the form of a 'garden settlement', and encompassing approximately 2,800 dwellings; employment provision, a range of local services and facilities to serve such a settlement; and open space, leisure and recreation uses.

Also proposed is a new six form entry secondary school & primary school – which are to be located within the 'garden village'.

There are a number of very obvious, and very serious, problems with this proposed strategy, including (but not limited to):

- . Green Belt,
- . Infrastructure/deliverability,
- . Area of Outstanding Natural Beauty/Heritage Assets/visual impact,
- . Flooding,
- . Ecology, and
- . Major traffic issues
- . Noise, light & air pollution
- . Loss of prime agricultural land
- . Disproportionate allocation of new housing within the Capel Parish

These shall be briefly addressed in turn as follows:

Green Belt– The site for the new garden settlement falls within the Green Belt, wherein the primary aim of planning policy is to keep land permanently open. In terms of Local Plan preparation this means not releasing land from the Green Belt except in exceptional circumstances. I understand that exceptional circumstances cannot exist if there are alternative, non-Green Belt sites that might be available to accommodate the proposed development. In this case only a small proportion of Tunbridge Wells Borough is washed over by the Green Belt. There is a significant swathe of land to the east of the Borough that is not within the Green Belt, and is therefore free of such constraint. Has it genuinely and robustly been demonstrated that there are no alternative sites available that are outside of the Green Belt? If the answer to this is no, then exceptional circumstances simply cannot exist.

The intended expansion of Paddock Wood together with the new Tudeley Village Development, if allowed, would lead to a corridor of urban sprawl from Tonbridge to Paddock Wood effectively destroying the green belt buffer that currently exists & separates these areas.

Infrastructure/Deliverability –Clearly the delivery of a new garden settlement will be entirely dependent upon the provision, up front, of the infrastructure to serve such. The provision of such infrastructure is likely to be complicated by the fact that the proposed site is dissected by a railway line. In this context, timescales become important. For instance, by the time a (very large scale) planning application has

been determined, conditions have been discharged, and sufficient infrastructure works been undertaken to enable housing and other development to be delivered, it seems incredibly likely that it will be a number of years down the line. As such the strategy does nothing to alleviate housing and employment needs in the short to medium term; and does nothing to meet the stated objectives of producing a Local Plan.

There appears to have been very limited consultation with the major service providers for sewerage, water & power services in connection with the scheme.

These services are currently already stretched within the local area with poor water supply & inadequate foul & storm water services for the current population.

Area of Outstanding Natural Beauty/Heritage Assets –The site of the proposed garden village lies outside of, but adjacent to, the Area of Outstanding Natural Beauty. The National Planning Policy Framework (paragraph 172) states that ‘great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues’. Similarly, there are a number of Listed Buildings located around the perimeter of the proposed allocation, including my own home. The current (and historic) setting of those Listed Buildings is one of a distinctly rural environment, characterised by open fields, interspersed with historic field boundaries and other historic buildings. There is simply no way that the introduction of 2,800 new homes, employment, and associated facilities, on a large swathe of attractive, undeveloped, rural land cannot have a significant and detrimental visual impact upon the adjacent Area of Outstanding Natural Beauty, and upon the setting of the surrounding Listed Buildings.

Flooding –The site itself might not be subject to significant areas of flood risk, but adjoining areas certainly are. Surface water flooding has proven repeatedly to be an issue of serious local concern. Providing a new garden settlement on currently undeveloped, free draining, greenfield land – with the inevitable (considerable) increase in areas of hard surfacing and built form, will simply increase the prevalence of surface water flood risk on the areas of land that adjoin the proposed allocation.

Ecology –Given the extensive scale, and rural/undeveloped nature of the site of the proposed garden settlement, it seems inconceivable that it will not be home to protected species. With such a large scale development it is impossible to fully mitigate against such wholesale destruction of habitat.

Major traffic issues - I have concerns as to whether the traffic modelling that has been carried out to assess the impact of traffic generated by the new development has been fully substantiated & is accurate. There appears to be no consideration given to improving junctions with the major road system that the road between Five Oak Green & Tonbridge links into.

The existing road system during peak periods is often congested & the additional traffic both from & to the new development will exacerbate the current issues. The introduction of a new Secondary & primary School will lead to additional traffic from pupils attending the School from outside the new village development.

Noise, Light & Air pollution - Due to the size of the existing population within the Tudeley area there is very little noise, light or air pollution. This will not be the case once an additional 2,800 houses have been built together with the additional shops, offices & Schools that the plan refers to.

Loss of agricultural land - the proposed site for the new development currently consists of good grade quality agricultural land. Agricultural land has already been lost within the vicinity of the proposed development with land being allocated for additional mineral extraction / quarries. Recent experience has proved that once the material workings have been exhausted the quarries have been abandoned with very little landscaping / reinstatement works carried out & left inaccessible for local people to enjoy.

The extensive solar farm adjacent to the proposed village development that has been installed in recent years has also removed a large area of land from agriculture & has created a visual impact that is out of keeping with the general agricultural nature of the local area.

Both quarries & PV Farm have been created by the owners of the land that the proposed new village development is sited on.

Disproportionate allocation of new housing within the Capel Parish - It would appear that approximately 50% of the new housing requirement within this Local Plan has been allocated to this new Village Development which, bearing in mind the size of the current population of Tudeley & the

surrounding area, is disproportionate to the new housing numbers allocated elsewhere within the Borough.

This is not fair to the current inhabitants of the area whose needs have not been considered & who generally oppose the scheme.

In light of the foregoing matters, the proposed allocation of land at Capel/Tudeley must be removed from the emerging Local Plan, and an alternative, and more sustainable means of meeting housing and employment needs must be identified.

Question 7

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

Comment

Consultee	Simon Faiers [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Simon Faiers [REDACTED]
Comment ID	PSLP_492
Response Date	27/05/21 00:00
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Simon Faiers
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

If 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 have just watched the video about how to comment on the local plan. Is this the means by which ordinary people are supposed to make comments on the decisions being taken about the places they live by people who, mostly, live elsewhere? It's complex, onerous, full of legalese, bureaucratic and off-putting, which is quite possibly the intention. All I wanted to do was comment on the proposed closure of Paddock Wood railway bridge to all traffic but buses and, presumably, the ambulances coming out of Eldon Way.

Currently cars travelling between Paddock Wood and Maidstone travel over that bridge. Traffic travelling between Paddock Wood and Tonbridge or Tunbridge Wells goes the other way, either up Badsell Road towards Five Oak Green or through Matfield to Kippings Cross and the A21.

If the bridge was to be closed then the majority of that Paddock Wood / Maidstone traffic would have to come down Badsell Road. Anyone who lives in Paddock Wood can well understand the consequences of that. At rush hour, in particular, the tailbacks at the Colts Hill/Badsell Road roundabout will be worse. Traffic will also tail back from the junction of Maidstone Road and Badsell Road in Paddock Wood. I see it every day as it is now. I can only imagine how much worse it will become if the bridge is closed.

Some traffic will probably also divert to using lanes like Lucks Lane and Queen Street.

I cannot imagine what the perceived problem might be that this proposal is intended to address. Whatever it might be, closing that bridge will end up causing even bigger problems in Paddock Wood.

TWBC should stop tinkering with our Town.

Question 7

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

Comment

Consultee	Andrew Fairfax Scrutton [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Andrew Fairfax Scrutton [REDACTED]
Comment ID	PSLP_380
Response Date	25/05/21 12:25
Consultation Point	Policy AL/RTW 2 Land at the Auction House, Linden Park Road (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Andrew Fairfax Scrutton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/RTW2	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know
Question 4a	

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

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

Question 5

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- 1 Having had a retail business on The Pantiles for 25 years, I am aware of how the lack of car parking has negatively impacted businesses in the area. I have no objection for flats to be built but would urge that all 52 car parking spaces are retained on The Pantiles. This is essential due to the reduction of parking spaces after the Union Square development (even when reopened) and the loss of on-street parking.
- 2 I welcome the improvement of pedestrian access to and within the Pantiles. In particular between the Upper and Lower Walks of The Pantiles. This could be done using improved signage to counter the effect of increased street furniture and parasols

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	Andrew Fairfax Scrutton [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Andrew Fairfax Scrutton [REDACTED]
Comment ID	PSLP_378
Response Date	25/05/21 11:59
Consultation Point	Map 19 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.5

Question 1

Respondent's Name and/or Organisation Andrew Fairfax Scrutton

Question 3

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

Question 3a

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

Policy AL/RTW 19: Land to the north of Hawkenbury Recreation Ground

Map 19: Site Layout Plan

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate 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 urge TWBC to stop the policy of selling off the land used by local football clubs and forcing their members to have to drive across the Town to Hubs for the following reasons:

- 1 Sports Hubs vs Local facilities add unnecessary traffic on Tunbridge Wells' roads. This policy is regressive and is counter to national and local policies regarding preventing pollution and protecting the environment.
- 2 Sporting facilities are essential to local communities and should be easily accessible to residents, rather than purely those that can afford to drive to the hubs some distance away.
- 3 Hawkenbury Village is already well served for sporting facilities, with the Hawkenbury Rec, with its football pitches and Astroturf. In addition, Hawkenbury hosts Forester's Football Club with its recently granted long lease for football pitches.
- 4 The roads and parking in Hakenbury Village were already overstretched before the 100's of new homes built in the Holyfield's and other developments. The recent residents parking zone has not increased the available areas for residents to park but just caused additional problems for friends and carers visiting them.
- 5 The junction at Halls Hole Road and Bayhall does not have the capacity to take an influx of thousands of extra cars arriving or leaving simultaneously from a stadium event. The access issue is not resolvable by changing the junction to a roundabout or road widening. The Bayhall Road is not only the access road for residents of Hawkenury Village, but a major road artery for those accessing Tunbridge Wells from the South. When, as is often the case, there are road works else in the town, and extra traffic is on Bayhall Road, the Traffic can back up to the HallsHole Road/Bayhall Road junction from the crossroads between Bayhall and the B2023 Pembury Road. This in turn can cause gridlock on the crossroads and access to Pembury Road/A21.
- 6 Many of the residents on the roads around the proposed site do not have driveways and rely on limited on-street parking,.Given the National rules banning the sale of petrol and diesel cars in nine years. Hawkenbury residents will be reliant on the electric charging points required in these streets to charge their vehicles to carry out their businesses and livelihoods. With this in mind, it will not be appropriate to have hundreds of non-residents cars using the limited on-street parking in the evenings and weekends caused by overspill from carparks.
- 7 If a stadium is to be built somewhere in the Borough, it should be in an area with good road links and the capacity to take peak influxes of thousands of extra cars, not in a village with congested roads and parking.

Question 7

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

Comment

Consultee	Andrew Fairfax Scrutton [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Andrew Fairfax Scrutton [REDACTED]
Comment ID	PSLP_379
Response Date	25/05/21 11:48
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Andrew FairfaxScrutton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/RTW 19	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

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Question 5

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- 1 Hawkenbury Village is already well served for sporting facilities, with the Hawkenbury Rec, with its football pitches and Astroturf. In addition, Hawkenbury hosts Forester's Football Club with its recently granted long lease for football pitches.
- 2 The roads and parking in Hakenbury Village were already overstretched before the 100's of new homes built in the Holyfield's and other developments. The recent residents parking zone has not increased the available areas for residents to park but just caused additional problems for friends and carers visiting them.
- 3 I object to Tunbridge Wells using CPO's on greenbelt areas. The proposed site in Hawkenbury is adjacent to Sherbourne sheltered housing. It does not adequately consider the already congested roads and traffic junctions and the inability to protect the residents from the noise it will create, including late into the night
- 4 Sports Hubs vs Local facilities add unnecessary traffic on Tunbridge Wells' roads. This policy is regressive and is counter to national and local policies regarding preventing pollution and protecting the environment.
- 5 Sporting facilities are essential to local communities and should be easily accessible to residents, rather than purely those that can afford to drive to the hubs some distance away.
- 6 The junction at Halls Hole Road and Bayhall does not have the capacity to take an influx of thousands of extra cars arriving or leaving simultaneously from a stadium event. The access issue is not resolvable by changing the junction to a roundabout or road widening. The Bayhall Road is not only the access road for residents of Hawkenury Village, but a major road artery for those accessing Tunbridge Wells from the South. When, as is often the case, there are road works else in the town, and extra traffic is on Bayhall Road, the Traffic can back up to the Halls Hole Road/Bayhall Road junction from the crossroads between Bayhall and the B2023 Pembury Road. This in turn can cause gridlock on the crossroads and access to Pembury Road/A21.
- 7 Many of the residents on the roads around the proposed site do not have driveways and rely on limited on-street parking, given the National rules banning the sale of petrol and diesel cars in nine years. Hawkenbury residents will be reliant on the electric charging points required in these streets to charge their vehicles to carry out their businesses and livelihoods. With this in mind, it will not be appropriate to have hundreds of non-residents cars using the limited on-street parking in the evenings and weekends caused by overspill from carparks.

Question 6

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- 1 If a stadium is to be built somewhere in the Borough, it should be in an area with good road links and the capacity to take peak influxes of thousands of extra cars, not in a village with congested roads and parking.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Comment

Consultee	Sandra Faulkner [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sandra Faulkner [REDACTED]
Comment ID	PSLP_1067
Response Date	04/06/21 11:40
Consultation Point	Map 47 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sandra Faulkner
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/HA 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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

Question 5

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1. The proposal to site a new Medical Centre in site 413 (AL/HA 5 Policy) is unsound and not compliant with planning laws surrounding building in AONB.

2. Birchfield Grove is not an appropriate road to manage unacceptable traffic flow should a Medical Centre be sited in the field to the north of Birchfield Grove and as such policy AL/HA 5 is unsound.

Submission 1. When the Pre Submission Local Plan was approved by the Tunbridge Wells Planning Committee early January 2021, the proposed medical centre was allocated to available land at the King George V (KGV) playing field at the Moor alongside the proposed new community centre (policy AL/HA 6).

There is ample land available at King George V playing field for both proposed buildings and also the required car parking. There is an existing community hall and sports facilities along with a childrens playground and offers both easy access by foot, bicycle or indeed car with an existing bus stop adjacent to the proposed facilities. The Parish Council would welcome discussion with the GP's to explore this possibility.

The new medical centre is currently proposed on a high ridge of over 200 feet in a field (AL/HA 5) that gently slopes down to the north from position of the proposed building and will be entirely visible. This will be more apparant and visible in the darker skies at night time when lighting will be required. This field is a very pleasant environment in an AONB with excellent biodiversity value.

Building in the AONB is permitted if the community interest outweighs the harm to the area. However, three conditions have to be met and this proposal fails the condition that there is no alternate available site. In this case there is an identified and available site at King George V playing field (AL/HA 6) as highlighted in the first edition of the Pre Submission Local Plan approved at the beginning of January.

This alternative site (AL/HA 6) is very accessible with ease of access by foot, bicycle, car and an adjacent bus stop for public transport. The land available is in a discreet location within the overall site of AL/HA 6 and having a proposed community centre and medical centre co-located meets with Tunbridge Wells Council's current policy whereby supporting (including a substantial grant) our local Cranbrook and Sissinghurst Parish Council in a mirror project as an example.

AL/HA 5, the land north of Birchfield Grove, as mentioned is in an AONB. It is currently part of a bigger site recently named as site 413 and historically as site 64. The landowner of site 413 has offered the two GP surgeries 0.79 hectare of the field (which is at its highest point) free of charge. It should be noted that in the DRAFT LOCAL PLAN site 413 was highlighted for a possible Medical Centre PLUS 100 houses. Both the Medical Centre and 100 houses were taken out of AL/HA 5 when the Pre Submission Local Plan was approved by the Tunbridge Wells Planning Committee in January 2021. We were informed that the withdrawal was due to AONB concerns plus a report suggested the new garden village at Capel was viable lessening the need for further development in Hawkhurst.

In February 2021 the Tunbridge Wells Full Council approved an amended version of the PSLP that located the Medical Centre back at AL/HA 5 or site 413 rather than AL/HA 6. I understand that the Head of Planning at Tunbridge Wells Council was informed by the landowner that the piece of land AL/HA 5 would be available to the GP's free of charge but this is not a reason to locate a Medical Centre in AONB nor should it be the "trojan horse" as the door opener for a further application to build 100 houses alongside the proposed Medical Centre,

There is history here. The landowner together with Ward Homes applied to build 100 plus houses in site 413 (AL/HA 5) when it was previously named site 64. This was turned down on appeal by the Inspector in 2014 on the grounds of spoiling the AONB, so what has changed since then - if anything planning laws for AONB have tightened?

Submission 2. Kent County Council has recently refused to support substantial planning applications in Hawkhurst until the traffic congestion caused by the crossroads in the centre of the Highgate district of the village is resolved. Recent traffic surveys undertaken point to traffic volumes at the crossroads well over capacity leading to large queues throughout the village and seriously poor air pollution due to the traffic queueing with engines running.

The GP's state in their promotional material that patients will walk or cycle to the proposed Medical Centre at AL/HA 5, the distance for most patients will be further than their current journeys and together with the topography of Hawkhurst it is more likely a car will be their preferred choice of transport. This will add further pressure on the crossroads and air quality as patients from the Moor sector of the village and also the western and northern side of the Highgate sector of the village are likely to use their car as choice of transport to the proposed Medical Centre,

The access road to Birchfield Grove is extremely poor both turning into Birchfield Grove and likewise off into Rye Road. The entrance junction is tight and cars turning into Birchfield Grove have to wait until any cars exiting Birchfield Grove turning right have joined Rye Road.

The site lines are poor exiting from Birchfield Grove and this section of Rye Road is notorious for speeding as it is the only part of Hawkhurst that the village Speedwatch programme does NOT monitor for some reason! Recent traffic surveys undertaken as part of planning approval for Birchfield Grove confirm that the 30mph speed limit is breached consistently and the average speed is nearer 40mph on most occasions with the result exiting Birchfield Grove is a lottery.

Indeed, while not suggesting speed was the cause, two children have been hit by vehicles in this stretch of Rye Road in the last 12 months.

It should be noted that a planning application for six bungalows in the field off Rye Road directly opposite Birchfield Grove was recently refused due to traffic difficulties accessing onto Rye Road from the proposed development. The access road was directly opposite Birchfield Grove.

The internal layout of Birchfield Grove is not conducive to managing heavier traffic volume. The road weaves or meanders in profile and is not the width to manage significant traffic flow.

Question 6

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Removal of the Medical Centre and AL/HA 5 and explore possibility of locating in AL/HA 6 or alternative sites.

Question 7

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

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

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

Supporting Information File Ref No: SI_65

Comment

Consultee	Helen Featherstone [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Helen Featherstone [REDACTED]
Comment ID	PSLP_1124
Response Date	03/06/21 13:08
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1124_H_Featherstone_Supporting_Information.pdf

Data inputter to enter their initials here KJ

Question 1

Respondent's Name and/or Organisation Helen Featherstone

Question 3

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

Question 3a

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

Policy EN 9 Biodiversity Net Gain

Question 4a

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

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

Question 5

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Swift numbers visiting the UK each summer have halved over the past few decades. One way we can help them is to provide nesting sites as they nest in crevices in buildings and many of these have been lost due to renovation or demolition. Tunbridge Wells is fortunate to have a swift colony and as a town we can support and encourage it. A reasonably priced and maintenance-free way to do this is to include swift bricks in the structure of a new building, obviously taking into account other aspects such as height and orientation of the building. Expert advice is available.

There is provision in the presubmission local plan, EN 9 paragraph 6.138. It is very disappointing that the Amelia Scott was built without any swift bricks. Sparrow terraces are included but there is evidence that while sparrows and other bird species make use of swift bricks and boxes, the reverse is not true, and swifts will not use sparrow terraces. Therefore I think the new plan should be more forceful in its requirement to consider provision of nesting bricks for swifts specifically, as well as other species, when any new construction takes place.

Protection of swifts - and other species- would also include a ban on the use of pesticides locally, since pesticides destroy their food source, which is insects flying above the town. This is a measure that has already been taken in other towns and cities including Paris.

I will email you with some further information. [TWBC: see attached document]

Thank you for your help and I'd be very grateful to be kept up to date with any developments.

Question 7

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

Comment

Agent	Mr Lloyd King [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Savills (UK) Ltd
Address	74 High Street Sevenoaks TN13 1JR
Consultee	Mrs Judith Fennings [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Judith Fennings (1274536)
Comment ID	PSLP_1625
Response Date	03/06/21 10:05
Consultation Point	Policy EN 15 Local Green Space (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	J Fennings
Question 2	
Agent's Name and Organisation (if applicable)	Savills (UK) Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy EN 15 Local Green Space

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

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

Question 5

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The landowners of Site Number 20 are in agreement with the representations of Rydon Homes, namely:

The proposed designation of this Site Number 20 as an LGS would conflict with Government guidance because:

- . Policy EN15 with respect of Site Number 20 is not positively prepared – Matfield is a sustainable settlement which is identified as having the ability to accommodate a level of planned growth. This site adjoins the Limits of Built Development, it has been promoted through the Council's Call for Sites as a potential candidate for development, it has been considered as one of only two potential sites for a replacement Primary School, and as such could in the future be a site for a sustainable expansion of the village.
- . Policy EN15 with respect of Site Number 20 is not consistent with national policy – the site is peripheral to the village with no public access. Whilst there is a public footpath adjacent to the western boundary this is not heavily used and is only for occasional recreational purposes. As such the sites designation fails the test of proximity. It is not local in character. It is quite at odds with the typical local character.
- . Policy EN15 with respect of Site Number 20 is not justified - the Council's benchmark for judgement on the extent of the land is at odds with Examiners decisions on this matter in NP Examinations. The land sought to be designated is an extensive tract of land. In addition, the Council has provided no evidence that the site is special in any way to the local community. The special amenity point overstates the wildlife richness on the site and in any event is not evidenced based by any studies.

For further detail, please refer to the full representations by Rydon Homes

Question 6

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The proposed designation for Site Number 20 should therefore be deleted.

Question 7

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

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

Future Notifications

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

Comment

Consultee	Maggie Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Maggie Fenton [REDACTED]
Comment ID	PSLP_1934
Response Date	04/06/21 13:51
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Maggie Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

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

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

[TWBC: this representation has been input against Policies STR/SS 1, STR/SS 3 and STR/CA 1 – see Comment Numbers PSLP_1934, PSLP_1935 and PSLP_1937]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Question 4a

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

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

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

Question 5

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The PSLP as it stands is likely to contravene Protocol 1, Article 1 of the Human Rights Act (The Protection of Property) and therefore is not legally compliant. Everyone has the right to peaceful enjoyment of their property. A Planning authority can only breach this fundamental right if it is in the public interest. Furthermore since the case of Britton vs SoS the courts concluded that the protection of the countryside falls within the interest of Article 8 (Respect for private and family life) and includes BOTH home and surroundings. There has to be a fair balance between the general interest and the rights of individual property owners and businesses. It may be necessary with some planning applications to compulsory purchase or to allow a certain amount of traffic noise to intrude a personal home but there has to be a fair balance. There must be objective and reasonable justification. The LA should try to ensure that policies and decisions do not interfere with the peaceful enjoyment of possessions. Human rights are clearly defined in law and Planning Authorities are obliged to treat everyone with dignity, respect and fairness. Proportionality is the key test.

There is nothing proportionate regarding TWBC allocating over 50% of its development on a parish which contains only 2% of the population of the borough. The rights of property owners and the rights of the community have to be balanced. There is NO benefit to this area, in these plans, for the existing community. The views of the community have been ignored from start to finish.

- . The whole of Capel will suffer from 15-20 years of severe disruption if this plan proceeds. That alone is likely to deter local businesses.
- . Capel will be significantly impacted by thousands of cars, traffic noise and pollution and the clear danger to public safety in a parish that already has severe speeding issues.
- . Capel will lose its precious countryside
- . The community has already suffered from severe stress and anxiety during the last two years with the threat of CPO's, and for some the impact of being suddenly being in the centre of a new town, for others loss of identity as they are threatened with being moved into an entirely different parish.

The community throughout Capel is strong and united. Five Oak Green might not be the exemplar of a quaint arcadian village but it is a close, tight and friendly community, which is more important than beautiful houses set in a sterile environment. People make places not houses. We are not Nimby's in Capel and are very aware of the need for truly affordable houses for our younger generation, suitable housing for our elderly and a share of development to bring economic prosperity.

BUT we shouldn't be the easy target for TWBC because we have a small population and they thought we wouldn't shout long and hard! Sadly they have ignored the shouting and objections at Reg. 18 and

rewarded us with another few hundred houses. Tudeley in particular was the easy option and deflected TWBC from its original course of a more equitable distribution of development amongst the rural villages. Capel has not been treated with dignity and respect throughout this whole process and a huge majority of the community will not be able to peacefully enjoy their properties nor the countryside surrounding them.

Due to the lack of objectivity, lack of proportionality, and lack of any community benefit the PSLP is unjustified, not positively prepared and therefore unsound.

Question 6

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TWBC need to objectively reassess all sites in the borough, work on their brown field register which is pitiful and find a more proportionate solution to the housing need.

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:

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Comment

Consultee	Maggie Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Maggie Fenton [REDACTED]
Comment ID	PSLP_1935
Response Date	04/06/21 13:51
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Maggie Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR/SS 1, STR/SS 3 and STR/CA 1 – see Comment Numbers PSLP_1934, PSLP_1935 and PSLP_1937]

Question 4

Do you consider that the Local Plan:

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Is sound No

Question 4a

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Comment

Consultee	Maggie Fenton ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Maggie Fenton ([REDACTED])
Comment ID	PSLP_1937
Response Date	04/06/21 13:51
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Maggie Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/CA 1 The Strategy for Capel parish

[TWBC: this representation has been input against Policies STR/SS 1, STR/SS 3 and STR/CA 1 – see Comment Numbers PSLP_1934, PSLP_1935 and PSLP_1937]

Question 4

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Is sound No

Question 4a

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Question 7a

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_919
Response Date	01/06/21 13:16
Consultation Point	Section 1: Introduction (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	Jeff Fenton
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.	
Paragraph Number 1.26	
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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Tonbridge BC, Sevenoaks BC & Wealden BC current Local Plans have been rejected by the Planning Inspector. How can TWBC commit to ANY new developments as they cannot reasonably calculate the housing requirement and infrastructure need. Maidstone BC has not yet submitted their Reg 19 Plan and their draft plan Reg 18 includes 2 new Garden Villages and may thousands more properties over a similar plan period.

All the above plans will place an excessive load on the current infrastructure in the whole of Mid & West Kent, far more than any KCC or TWBC Highways assessments has considered in the TWBC Plan.

Planning Inspectorate - Procedure Guide for Local Plan Examinations - Section 1.2 states:

"Particular attention should be given to the duty to cooperate"

TWBC has not co-operated as it has an unknown quantity and the impact upon the area MUST be considered in full. The documents do not reflect this at all. The plan 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.

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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 needs to consider the impact of housing developments in ALL neighbouring areas that have yet to be approved and reflect upon the impact of these thousands of homes on the general highways infrastructure.

Given how limited the options are within Tonbridge and Capel due to AONB, river Medway and railway lines crossing the area, these are very difficult to adequately resolve due to engineering difficulties

and their potential costs. s106 contributions alone will not fund this type of engineering and TWBC have failed to demonstrate where any additional funding will come from or even if the proposed highway infrastructure adequately satisfies need.

Traffic is not bounded by Boroughs but by need to travel of its residents and visitors.

Question 7

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

Question 7a

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

I have spent many months examining the documents that TWBC have presented and they are so flawed that I feel I must be present to ensure the arguments presented are accurate.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_918
Response Date	01/06/21 13:16
Consultation Point	Section 1: Introduction (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	Jeff Fenton
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.	
Paragraph Number 1.1	
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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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.

In the PSLP Page 13, it states that the plan period is 2020-2038. It is already 2021 and will be 2022 at earliest before the plan is approved and possibly 2023 before any works started. Given the delay to the plan, (potentially 3 yrs), the build program will need to be escalated to a minimum of 770 homes per year and the Highways infrastructure forecasts cannot therefore be met within a reasonable timescale as they rely upon completion of some of the proposed homes for funding. KCC is the overall owner of ALL public highways in Kent and given their lax attitude to highways improvements in Capel over the past 40yrs and there is no evidence this has changed or budgets committed prior to 2025 onwards, it is inevitable that the safety and wellbeing of the current residents of Capel, in particular Five Oak Green and those living on B2017, will be severely impacted for many years before any relief is in sight. This is an unsafe position which will violate our human rights to have a safe and healthy environment to live in and therefore the plan is Unsound.

Question 6

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If it were possible to revise plans and avoid any highways safety issues then we would advise revisiting the plan. However, Save Capel and Capel Parish Council, and their Consultants, have examined every detail of the plan regarding highways infrastructure and have proven the figures supplied by TWBC fall well short of the probable traffic counts and vehicle movements in the area. The PSLP promotes the building of new garden villages and estates in totally the wrong place. As such the PSLP is Unreliable and Unsound.

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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The TWBC PSPLP has so many inaccuracies and false information that the Planning Inspector should be aware of these various issues. Residents in Capel have zero confidence in TWBC who we do not believe can be relied upon to offer clear and precise answers to questions accurately.

Future Notifications

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_899
Response Date	01/06/21 13:16
Consultation Point	Section 2: Setting the Scene (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	Jeff Fenton
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.	
Paragraph Number 2.33 (Flooding)	
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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2.33 identifies that to the north and west of Paddock Wood the land is “*particularly prone to flooding*”. The last major flood (2019) covered all of the area north of the railway line to a depth of almost 1m in places and generally to at least 0.75m overall. This link gives an indication of how serious it was.

<https://www.kentlive.news/news/kent-news/incredible-drone-footage-shows-flooding-3673436>

This is just one of several major floods experienced in the Medway Valley over just a couple of decades. In all cases serious property damage occurred and no amount of “ditch or drain clearing” has made any difference at all. In fact, by building even more in the Medway valley, the situation has worsened and so the next major flood may cost lives. Building another 30,000 homes in the Medway Valley is criminal. (TWBC 11k + Tonbridge & Malling Council 6.4k + Maidstone Borough Council (2 new garden villages) + developments already approved in Yalding.

The proposals to control flooding are quite simply ridiculous. North of the railway in Paddock Wood will require the movement of over 20 million tons of earth (brought in from elsewhere!) to raise homes in that area by 1m above current ground level.

The Plan is Unsound.

Question 6

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Limit building in the Medway Valley to areas that have NOT experiencing flooding in the past 4 decades.

There are plenty of other sites that are brownfield, not in the green belt or simply away from the Medway Valley, but TWBC seems far too determined to destroy existing homes and then place new builds at risk of flooding too.

The original TWBC Call for Sites identified sufficient areas around the various parishes of Tunbridge Wells Borough to avoid any risk of flooding and to meet the housing need targets. TWBC, quite by surprise to Capel Parish Council, chose 2 sites for 95% of their targets in the full knowledge that flooding was a major issue.

The whole plan is Unsound.

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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TWBC cannot be trusted to reveal the truth about the sites they have chosen, and the ones they have deliberately crossed off as being unsuitable. Too much data is inaccurate.

Eg. Our plot (which we offered for building just 3 houses) is 200m from the railway line and was considered unsuitable as "too close to the railway line". By contrast, the proposed Tudeley Garden Village of 2,800 homes has a railway line running through the middle of it that takes diesel trains almost hourly and nuclear waste from Dungeness power station, yet that site is considered a perfect location. The Plan is utter nonsense.

TWBC consultants claim that there are NO diesel trains on that route to pollute the air. That is a clear demonstration of how little the consultants actually researched the facts to form a conclusion which is totally inaccurate.

One Capel Parish Council Councillor is a train driver on that route. I think his word is more reliable than those of desktop consultants.

What is even more annoying is that TWBC paid for that consultation out of our Council Tax funds, adding to their recent money wasting projects that they are more than a little embarrassed about.

Question 8

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

There is no sustainability in the proposals regarding Tudeley Garden Village, Capel Parish East and Paddock Wood West as the destruction of animal habitats and the impact upon the heritage in the area is totally unsustainable.

The PSLP is Unsound.

Future Notifications

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_902
Response Date	01/06/21 13:16
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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	
Page 54 Policy STR 5 (5.)	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound No

Complies with the Duty to Cooperate No

Question 4a

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

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

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

Question 5

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Policy STR 5 clearly states "New residential and commercial development will be supported if sufficient infrastructure capacity is **either available, or can be provided in time to serve the development**," The PSLP fails to support this policy as most of the infrastructure necessary to support the proposed developments will not be started until a number of years after significant numbers of dwellings have been occupied. No up front funding is being made available either and so the PSLP is Unsound.

Similarly, as the infrastructure relies upon two major developments being constructed in tandem to release funding for the infrastructure, there is no guarantee that such funding will be available as planning application delays on one site alone can seriously impact ALL infrastructure. This has not been considered in the PSLP.

Therefore the PSLP is Unsound.

Question 6

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One solution is to use the public purse to allocate funding for ALL major highways infrastructure prior to any developments commencing, but this has a critical point of failure in that it will only require a single developer to delay start of works or withdraw their application and the whole plan is liable to fail or only be partly built. This is a serious risk that is not considered in the PSLP.

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:

As lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted. It is important that proper debate takes place.

Future Notifications

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_908
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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	
Paragraph Number 4.99	
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

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

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

Question 5

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How does building an isolated new village at Tudeley fit with this policy when the majority of residents will not work in Tudeley? New residents will mostly already be employed elsewhere with a good salary and changing jobs could create mortgage problems for most potential property buyers. It is also questionable when the proposed new "industrial" workspace will be created at Tudeley as we have no timetable for the development except this broad figure of 2022-2038.

This policy is poorly thought through and is Unsound with regard to Tudeley Garden Village.

Question 6

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A far better alternative to TGV is to build a new village adjacent to the Kingstanding Business Park on the A21 at Castle Hill which has just been approved by TWBC for 85 hectares of warehousing and B1 industrial. This is also just 1 mile from the Tunbridge Wells new hospital where staff are desperately looking for property and there are cycleways and footpaths already linking these sites which also link to the railway in Tonbridge.

Question 7

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Yes, I wish to participate in hearing session(s)

Question 7a

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_910
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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	
Page 60 Policy STR 6 (c) (iii)	
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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The KCC & TWBC approach to road building in west Kent has for decades been an “after current budget period” item and nothing has changed here. TWBC in 2003 announced a “park and ride scheme” to solve all the issues in the Tunbridge Wells town but this has never been implemented and all sorts of other tricks have been announced and then dropped, wasting our time and money.

Colts Hill was first designed in the 1970s and changes to the plans made through to 2000 but always the excuse of “no current budget” was the KCC stance as they are the budget holders and NOT TWBC.

Jam tomorrow but in reality it is traffic jams today!

The latest proposals are to build half the bypass and join it to a new Five Oak Green bypass but only if Tudeley Garden Village is built.

If we consider the disruption in the area, particularly along A228/B2017/B2160 and various country lanes in Capel and Paddock Wood used as rat runs to avoid congestion whilst all these proposed works are ongoing; then add the 3 current estates being completed now in Paddock Wood (approx. 1500 homes) to the traffic nightmare, we soon discover that the PSLP will bring 25 yrs of total disruption to the area and actually drive business away instead of attracting it.

STR 6 states that FUNDING will be via development. Unfortunately, this cannot work as the development will only occur or be attractive to developers if the infrastructure is already in place. STR 6 is Unsound.

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.

Do not build houses where there is no infrastructure already in place and avoid areas that will suffer immense and long term disruption. If you need to build new garden villages then do so where major new highways already exist or are already close to the Highways England major roads network.

Question 7

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Question 7a

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_1891
Response Date	03/06/21 11:20
Consultation Point	Policy STR 6 Transport and Parking (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	Mr Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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

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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It appears that KCC & TWBC have reached no agreement at all regarding the potential Colts Hill bypass and the Five Oak Green bypass. The 2 companies used to examine the potential routes, David Lock Associates (main PSLP) and Stantec (Infrastructure Delivery Plan) do not even agree where the Five Oak Green bypass terminates on the existing B2017 or even the route it takes.

The PSLP approach is misleading, unclear and therefore unsound & unacceptable.

Map 29, Page 150 shows "improvements" to the whole of A228 Colts Hill plus the line of the proposed all off-line Colts Hill bypass, but then only to be developed for the northern section.

Maps 33 & 34 Page 164 & 165 the Five Oak Green bypass joins B2017 outside the school, whereas the Stantec plan shows the FOG bypass joining at the Alders Road/B2017 junction.

The funding situation is even more misleading. Policy STR 6 Page 59/60 c) states the new road will be "funded by development, although other funding opportunities will be investigated". What does this mean? TWBC state that if Tudeley Garden Village is approved then the FOG bypass will go ahead; yet it is clear that this has to be funded from somewhere and currently KCC & TWBC simply do not know or have not declared it.

The issue to then consider is that if Tudeley Garden Village is delayed or reduced in size, what happens to the potential funding of the FOG bypass? Again, it is unclear.

Now turn to page 469 of the PSLP. 6.577 – *The whole scheme (Colts Hill bypass) is not necessary to mitigate the impact.* This is utter nonsense. There is no actual evidence to support this. However, it is surely reasonable to consider that if you currently have both KCC & TWBC trying unsuccessfully for 43 yrs to fund a complete Colts Hill bypass, then one MUST assume they both consider it an absolute necessity (or it could be due to complete incompetence but we are not here to test that one!). If we then add the traffic from 1,600 homes currently being built in Paddock Wood to an already overloaded Colts Hill (the ONLY "A" class road in Capel Parish), plus the expansion to Paddock Wood industrial area that has been taking place for the past 40yrs, it is quite clear that a complete Colts Hill bypass is now an overdue project. The safety record alone is clear.

Now let's consider the B2017 through Five Oak Green. In 2016/17 local residents and Capel parish council (total at the time around 1,500 population) submitted a petition to both KCC & TWBC with 1,127 signatures demanding action regarding road safety and traffic calming measures on B2017 through Five Oak Green. (children were hit by cars, a dog being walked along a pavement by a lady with a pushchair was killed by a lorry etc etc). Capel Parish Council also undertook a £6,000 highways study to demonstrate the need for traffic calming and promote ideas to KCC.

The result is ZERO. We currently have zero traffic calming measures in Five Oak Green. No pelican or zebra crossings, no traffic islands, no roundels, no red tarmac, very narrow road and in some instances no pavements, blind bend and a 205 pupil primary school where lorries drive with wheels on the pavement to pass the parked cars. It took 8 yrs to get the speed limit reduced from 40mph to 30mph outside the school and despite TWBC now having 20mph in all of Tunbridge Wells town, we have nothing.

TWBC refused to register our properly informed petition and KCC wanted 10,000 signatures before they would accept it. We still have NO traffic calming at all and another child was knocked down earlier this year.

All these words about bypasses and yet it is obvious that the funding is not there and KCC (who run all of Kent Highways NOT TWBC) do not have any idea of when any new roads will be started, (let alone completed!) except it will be years AFTER the houses are built and our roads are clogged with developer's HGVs and others from the newly opened quarries in Capel.

If standard safety evaluation applications are applied to the data, children will have been killed in Five Oak Green on the back of this PSLP. The case against the PSLP is far too strong for it to be promoted any further.

DO NOT LET THIS CARNAGE TAKE PLACE. REJECT THE PSLP.

Question 6

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I think the above comments are sufficient. If TWBC would like to pay me the same daily rate as their consultants then I would be quite happy to help.

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:

I am the co-ordinator of the Kent Police Five Oak Green Community Speedwatch team, I am responsible for the Capel Road Safety Campaign (stalled due to PSLP) and have lived in Capel and Paddock Wood for 38yrs. (27 in Five Oak Green). I believe I have the ability to assist.

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 Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_905
Response Date	01/06/21 13:16
Consultation Point	Policy STR 6 Transport and Parking (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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	
Paragraph Number 4.98	
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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Paddock Wood is mainly a distribution centre and many salaries are unlikely to be high enough to afford mortgages on a good proportion of available properties within the plan. It is unsound to assume residents will take local jobs and many will be commuting to London or elsewhere. Currently, many of the employees at the vast Transfesa distribution/warehousing area of Paddock Wood commute from other areas of Kent & East Sussex where property prices are much lower than in the TWBC area.

There are too many assumptions and therefore this policy is Unsound.

It is also worthy of note that the current Foal Hurst Wood development in Paddock Wood is being advertised in the Hong Kong press for those seeking UK homes.

Question 6

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Build new housing where the need is greatest and mortgages are within reach of local salaries, NOT in areas such as Tudeley where the estate will likely become elitist and unaffordable to many unless they commute and add to the already overloaded roads and railways.

At Tudeley in particular TWBC has, for ease of management, wrapped its arms around a single developer without considering the actual needs of the community.

Question 7

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Question 7a

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_915
Response Date	01/06/21 13:16
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel
Paragraph Number 5.189

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

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

Question 5

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The suggestion here is that the southern section of Colts Hill bypass will be held back for a number of years whilst KCC/TWBC assess the need following the completion of the Five Oak Green bypass and northern section of A228 Colts Hill bypass. This can only be described as rather lacking as the works required to build the northern section of A228 and junctions within it for Alders Road and Crittenden Road will all require substantial funding and these cannot be ignored by not building the southern section of the A228 bypass as the disruption to build this in later would prove unworkable due to the level of traffic using the new road.

It appears that KCC and TWBC do not agree what the correct solution is and this really is unacceptable and makes the whole A228 Colts Hill bypass project Unsound.

We also note there is no mention of road safety whilst all these works are ongoing or the health of those living on top of the A228 & B2017.

Question 6

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We would suggest that the whole issue regarding Colts Hill bypass and Five Oak Green bypass be revisited urgently and a more definitive solution be found that includes protection of the currently built environment and its residents.

Five Oak Green appears as a blot on TWBC's landscape and the residents are sick of hearing all the promises about bypasses and traffic calming. We daily see HGVs thundering through our village (53mph recorded by our local Speedwatch team) with narrow pavements, no controlled crossing points and no help to reduce the traffic speeds from KCC or TWBC. We are not even allowed traffic islands to cross the road as the road is too narrow.

HGVs mount the pavement by Capel Primary school at drop off/pick up times as they cannot pass the string of parked cars belonging to parents.

Any solutions agreed by KCC & TWBC should be properly discussed with full Capel Parish Council and other directly interested parties. To date, the representations to TWBC Joint Transportation Board have fallen on deaf ears.

Question 7

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Question 7a

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As lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted or missed. It is important that proper debate takes place.

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_882
Response Date	01/06/21 13:16
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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 3 The Strategy for Tudeley Village

Paragraph Numbers: 5.218 and 5.219

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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5.218 New railway station – TWBC has rejected sites within their “call for sites” as they were “too close to the railway line”. Tudeley Garden Village has the main London/Ashford/Dover railway running through the centre of the site. How can this be approved when there are hourly diesel goods trains and the Dungeness Nuclear Waste train (once per week) along this line. The plan to build TGV is Unsound.

5.219 How will TWBC test this detail? How can they measure this? It is waffle. Unsound.

Question 6

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5.218 As we cannot remove the railway then we must remove Tudeley Garden Village from the Plan.

5.219 As the whole issue of measuring damage elsewhere is unmeasurable then this cannot be modified. It is a nonsense statement.

Question 7

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_884
Response Date	01/06/21 13:16
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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/SS 3 The Strategy for Tudeley Village

Paragraph Number: 5.222

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

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Do you consider that the Local Plan is not sound because:	. It is not positively prepared
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Question 5

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Besides the issues regarding water dispersal into the Medway Valley; there are major issues regarding habitat management. You cannot tell birds and wild animals to move home whilst you destroy their habitats and then move them back into a land which will be an unfit habitat with cats, dogs, children, noisy vehicles, street lighting and traffic.

The whole of the Tudeley area is a special area for wildlife, particularly as it is bordering AONB and within the beautiful Medway valley. To concrete over this landscape is obscene, unjustified as there are other options elsewhere, and will cause long term damage to the local wildlife environment.

The plan is Unsound.

Question 6

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Build at Castle Hill instead. TWBC claims about it being AONB and protected seem to have been totally ignored when they released AONB land bordering Castle Hill for the Kingstanding Business Park in March 2021.

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Question 7a

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Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_924
Response Date	01/06/21 13:16
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is 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:

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Page 7. 1.7 TWBC has commissioned LUC to provide independent advice on the impact on the purposes of the Green Belt. Over the last 3 green belt studies produced by LUC it is apparent the brief was to gradually find ways to make it possible to remove greenbelt status from the strategic sites. Original policies by TWBC confirmed in their view it was vital to protect small towns and villages from urban sprawl – LUC have now in GB Study 3 concluded that the NPPF only refers to large towns and as this area is not next to Tunbridge Wells the MGB criteria is dispensable. This does not smack of independence. It appears too that DLA were also commissioned to make “the hat fit” Their brief was ‘to ensure that the infrastructure requirements for PW and East Capel reflect, and influence the work undertaken on the PW and and E.Capel Structure Report and Plan”.

Page 20. “This should include the provision of an offline A228 strategic link”.

This has not been considered important enough for 40 years. To build it on the back of some 6,000 new dwellings means it will be obsolete before it’s even completed.

Page 24

4.19- 4.230 Refers to the Church Farm estate being developed at present in PW by Countryside. Mascalls Farm (now called Foal Hurst Green) by Berkeley Homes and Mascalls Court Farm by Persimmon. Mascalls Farm has now had a planning application approved for an additional 100 dwellings - a 35% uplift. (It is likely the other developers will follow suit) If this is applied to Capel and Paddock Wood, the new developments will stretch from PW to Tonbridge engulfing Five Oak Green in one urban area. The total would be nearly 9,000, nearly 100% of the whole of TWBC requirement during the plan period. (It must not be forgotten that Hadlow Estates were happy

to extra land in the AONB to the south of Tudeley New Town for another 1200 houses). Once the erosion of the MGB is started there will be no stopping.

Page 30 4.39 The FOG By-Pass is totally dependant upon Tudeley being built.

Page 31. 4.41 The AONB to the S. of Alders Road can be ignored and the by pass driven through ancient orchard BUT the AONB at Castle Hill, a much preferred site by Capel Parish Council and many others, cant be built on because it is AONB (scruffy AONB as well!) This AONB has also suffered from the dualling of the A21 and TWBC were unanimous in agreeing that the adjacent site be approved for their key economic area.

Page 31 4.42 It seems the planners have no comprehension of Colts Hill. Most accidents occur at the junction of Alders Road and Crittenden Road. The original design for the Colts Hill by pass proposed a flyover from Alders to Crittenden, now the plan is to join the new link road into the main by pass by a cutting running into the AONB. It appears Stantec have pulled together a very rough and misleading design. A roundabout outside a school at the other end?? Pollution? Parent parking (yes they'll drive!)?? Very ill thought out.

Page 31. 4.42 A lack of understanding about the word “Capel” which TWBC have been informed about many times throughout the LP process. With the exception of the eastern end of the B2017 (where 220m is in PW) the whole of the rest of the B2017 westwards is within Capel. The Woodgate Way roundabout (junction with the A26) is in Capel.

Page 32. 4.45 East Capel may have been moved by TWBC planners, but East Capel starts from the East of Five Oak Green. The A228 is not the boundary of E. Capel.

Page 35 4.50 *The route connecting PW – Tudeley- Tonbridge is very hostile to bicycles.* Quite, and yet Stantec and SWECO talking a massive reduction in car use.

Page 40 4.74 This is an understatement. In FOG there is a single 250mm fibre pipe that pumps all effluent (around 500 homes and businesses) at pressure 3m underground to PW treatment plant, the pipe is old and has exceeded its lifetime Expectancy (source: Southern water) It is in need of replacement and works in the area are likely to cause significant disruption to any construction in E. Capel. The pipe has burst at least 9 times causing sinkholes, pollution above and underground & within the drainage ditch system that feed the Medway.

Page 44. Companies may have changed their operating methods but there is no evidence that the “built environment” is being reshaped due to the pandemic especially as this observation was made before the second lockdown.

Page 61 4.139

Mineral extraction in Capel. This has been very lightly touched on yet it fails to recognise the significant impact of extracting 10m tons of gravel per annum for 20yrs. The dust during the extraction process and then the huge 7 ton dumper trucks carrying the materials 600m across a site to the sorting area will impact many properties in Capel. HGV movements on the A228 are estimated to be around 80-120 vehicles a day – to date I have found no reference in the masterplan or PSLP that shows safe access points across the A228 with this sort of traffic considered.

Page 62 Given the strategic sites are in both in flood prone areas, surrounded by flood plain areas, in the MGB, adjacent to AONB served by rural lanes in the main this is probably one of the least sustainable areas in the borough and most constrained unlike the NE corner. Although the A228 has some capacity, the Dampiers corner roundabout is the busiest junction in the borough (SWECO) and is also a designated IA (Important area) DEFRA for noise pollution as is the Whetsted part.

Page 63 Cross boundary solutions? Where is the evidence that this is likely to happen? Why would neighbouring boroughs share infrastructure and flood alleviation schemes. KCC is the flood and highways lead and to date there has not been an accurate study of the flood issues throughout Capel. Sound solutions to the Colts Hill by pass have not been found for 47 years and there is no evidence to support this PSLP that funding has been sourced.

Page 68 Map. Where did DLA obtain their maps. It is Capel not Chaple Grange. They were informed of their misuse of names at their presentations but neither they nor TWBC have corrected. The map shows a pedestrian route crossing the A228. There is no crossing. There is a 100m section to walk along the A228 to reach the next PROW. It is unsafe, with 60mph vehicles and will be more so with the quarry traffic and the thousands more cars these developments might bring.

Page 71 TWBC and Hadlow Estates realising the secondary school was unsustainable being next to Tonbridge (compared to TMBC) the developers at PW (too far for their students to travel and therefore their sites become unsustainable), it is place near the primary school. To then decide to put a major junction (by pass roundabout) anywhere near these schools is dangerous, and totally unacceptable.

Page 73 Development should not be allowed to interrupt or dominate views across the landscape is a good sentiment but does not accord with siting thousands of homes on the edge of the AONB, on a slope at Tudeley and on the other side of Capel where the view from the AONB will be altered forever.

Page 79 Misleading maps that show bridleways as cycling and pedestrian routes. The language used suggests they exist already. They do not and they will need changing by statute as cycling is prohibited on bridleways.

Page 88 5.45 States that raised platforms will be needed of approx 1m around 11ha of the development in E Capel to ensure floodwaters remain outside the residential area. This would require 10,000,000 cubic metres of soil. Even at the cheaper price of £20 per ton, the cost would be in the region of £22m

before construction costs. The result of course would be to drive water elsewhere and flood other areas – as stated in other documents down to the Medway (and thence to E. Peckham & Yalding)

Page 107 6.7 The 2015 Infra. and Highways model is being ignored. As TWBC have changed their policy regarding use of MGB land there can be no assurance that anything within their LP will be built.

Page 108 6.13 If the Colts Hill by pass is essential to the LP, why is this separated out in the infrastructure plans as just the northern portion of the improvement on the A228? It states in 6.14 that KCC has the scheme costed at £46m yet this is not within their Highways budget for the current period to 2025. At the earliest it would not be completed until 2030 and possibly later if they did decide to build. 6.14 There are major drainage issues on Colts Hill and a new road is likely to increase the already unacceptable flooding in Five Oak Green.

Page 109 The entire page demonstrates that TWC and KCC have ignored the necessary improvements to Colts Hill for so long that they now face a major issue with timing and delivery of any solution. The impact on all the roads in the area of building a by pass later than 2023-25 is that they will have to build the whole project off- line and even then there will be capacity issues on the A228/B2017. They must look towards a new road that joins the A228 to the A21 at the Hop Farm and runs through the Medway Valley. The original bypass is outdated by 40+ years. This could have a junction near Hadlow and significantly reduce traffic levels, accidents and costs elsewhere. This would be a sensible and progressive solution. This road could also accommodate the Quarry HGVs for the planned extraction period of 20 years

Page 110 6.22 Agree with the statement “contributes largely to making the proposals unviable.

Page 120 Big error! This shows the hamlet of Capel NOT the main road running through Five Oak Green! The text compounds the error by saying it's the B2160 through Five Oak Green when in fact it's the main Maidstone road in Paddock Wood. Appalling

Page 121 Fig 24 Speed limits are wrong and highlights that this has been a rushed desk-top study. The inclusion of a major roundabout outside a primary school is utterly ludicrous.

Page 122 6.39

This is unsound. In pW of the 3 new developments currently approved and being built, a whole new drainage system has had to be installed, post development, to meet demand that was not considered necessary when the applications were approved. Should the same approach be adopted in E Capel then the house will be flooding before the estate completed.

Page 124. Table 9 *Construction (Colts Hill by pass) is likely to take place as the site is being built out.* This is not a sustainable option – a bicycle travelling on Colts Hill at present brings the whole area to gridlock – with construction of the dwellings at the same time as road closures, it is likely there will be severe economic impacts – companies will take their business away from the area. Colts Hill is also the main route for ambulance traffic between Maidstone and Pembury and they leave and return to the make ready depot in Paddock Wood.

Page 124 Table 9 Providing high quality active travel & public transport connections EARLY is not possible if the roads haven't been built to accommodate the buses! There is therefore unlikely to be any modal shift in travel habits.

Page 125 6.53 This masterplan excludes Tudeley village. There is no “helicopter” perspective without including Tudeley in one comprehensive masterplan of the strategic sites. TWBC is likely to lose control over many aspects of the masterplanning if this plan is taken forward. The several individual developers at PW will not adhere to this masterplan nor will Hadlow Estates calling in to question deliverability.

Page 126 6.56 6.57 These two statements are evidence that TWBC intends to approve any/all site expansions in the area above those already approved, so they can support the new critical infrastructure elsewhere through S106 agreements. If developers do not wish to build more than current, the whole infrastructure plan is likely to fail through lack of funds. TWBC is trying to underwrite the funding of infrastructure development that they can not guarantee they will receive. What is the mechanism to force developers to roll out the build in phases that suit critical infrastructure construction? “Land banking” is a major issue throughout the UK and again how will TWBC enforce the roll out of developments?

Page 130 Table 10, Long. Phase 3 is beyond 2032. It is clear there will be no highways improvement schemes adopted at least beyond 2032. How does this tally with the fact that this infrastructure is

either essential or critical. Independent highways consultants have concluded that it must be commenced prior to any build out of developments and for example the B2017 would be unable to manage the construction vehicles without vast “improvement”

Page 130 Table 11. Confirmation that the whole of Capel (and Paddock Wood) will be disrupted with construction works of dwellings and roads for many years. It has to be assumed that it will be some time after 2040 before the A228 and Five Oak Green by passes are completed. Confirmed by the HoP at a meeting of “15 – 20 years of disruption” and “Colts Hill is “likely to take considerable time to build”

Page 134 “Traffic management in PW” Medium. We assume that Medium means that Five Oak Green, so desperate for traffic calming measures already, will see no investment in highways until at least 2032. We will not be holding our breath as we will be too busy attending to people knocked down in the village!

Page 139 6.78 “Safety improvements at Colts Hill have been retained as the A228 is a key route for Paddock Wood traffic to access the wider strategic road network.” This is inaccurate. They have retained half a by pass and not the area where there are multiple RTCs (Crittenden/Alders junction). The A228 is a key route for some HGV drivers but most they can legally drive on the B2017 to reach the the A21 and Tonbridge (and vice versa) as it is 2.4 miles shorter in distance, does not involve Colts Hill where many delays can occur and the other many delays on the A264 accessing the A21 at Pembury where long queues format the traffic lights and 2 roundabouts before they join the A21. The by pass needs a re think anyway – it is a road to nowhere as TWBC & KCC Highways have found it impossible to find a solution to this bottleneck at Pembury.

Page 140 Table 14. Infrastructure not commencing until 2025 -2032?

Question 6

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The masterplan is unsound, it is not justified. It has not been based on proportionate evidence. It is littered with inaccuracies, which if translated into further evidence bases means this plan is undeliverable. A reassessment of a more proportionate allocation of sites is called for. It is clear that deliverability of key infrastructure will not be “I before E” (expansion) – an assurance from our MP Greg Clark. To pretend that both strategic sites will follow garden village principles falls at the first hurdle – those successfully rolled out such as Poundbury are all situated on A roads. An isolated new village would be possible if in the wilds of Scotland perhaps but NOT in Kent which has the highest car ownership in the UK, suffers from high levels of HGV traffic from the continent and is already gridlocked at peak times.

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:

As previously stated

Future Notifications

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

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_877
Response Date	01/06/21 13:16
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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

Policies Map (Inset Map No(s)) 33 and 34

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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The main challenge for highway design is to provide a safe, efficient, future proofed and effective solution. The highways plan being promoted by David Lock Associates fails to do this and is Unsound. Map 33 illustrates the main errors that the new Five Oak Green bypass terminates outside of two schools and does not offer relief to rat running on Alders Road/Crittenden Road as the proposed bypass route will be longer and slower due to the number of junctions being introduced.

There is no recognition of the B2160 south beyond Paddock Wood which is the most direct route to the dualled A21 at Kippings Cross through Matfield. As the junction of B2017 & B2160 in Paddock Wood will become clogged with traffic (due to the railway bridge being closed to through traffic in Paddock Wood), many drivers will use the Matfield route to A21 via the back roads of Paddock Wood to avoid the B2017/B2160 junction.

The whole roads layout does not reflect the traffic levels that will be seen throughout the area.

The plan is therefore Unsound.

Question 6

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I am not paid to find the solutions that TWBC contracted consultants are supposed to offer as workable and effective solutions. I do of course offer my services at £1,250 per day (plus expenses) if TWBC wishes to recruit me, subject to the usual Ts & Cs.

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:

As lead for Capel Road Safety Campaign and Co-ordinator for Kent Police Community Speedwatch, I have a good and realistic knowledge of highways in the area and the many issues that the PSLP has highlighted or missed. It is important that proper debate takes place.

Future Notifications

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_887
Response Date	01/06/21 13:16
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Jeff Fenton

Question 3

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

Question 3a

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

Policy STR/CA 1 The Strategy for Capel parish

Paragraph Numbers: 5.261 and 5.263

Page 174 STR/CA 1 (4.)

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

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

Question 5

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5.261 ignores other hamlets within Capel Parish. These are: Crockhurst Street, Whetsted, Sherenden, Postern, old Capel hamlet (Alders Road) and East Capel along B2017 towards Paddock Wood.

5.263 fails to acknowledge that flooding is a regular occurrence in various parts of the parish due to the Alders Stream overflowing. The general amount of water that flows across the land from the higher levels to the south of the parish causes major problems. The river Medway can back up and flood areas to up to a metre of water to the north of the railway line in East Capel where a huge number of houses are proposed in the plan. No amount of flood prevention to date has stopped the flooding and this century has already seen many properties damaged and lives ruined. Desk top studies do not identify the real issues regarding flooding in this area and most of the data set is based upon figures for Paddock Wood which the EA admits that relatively handles 30% less water than Five Oak Green.

Page 174 STR/CA 1 4. It seems that TWBC is attempting to dismiss the seriousness of the flooding in the parish by providing compensatory improvements to the green belt. The flooding is caused by the weight of water flowing from within the AONB to the south of the parish and NOT from areas of green belt to the north of Five Oak Green which flood as a result. This statement is very misleading.

The flood alleviation/mitigation schemes in the Plan are Unsound.

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.

Do not build on flood zones when there is other land available elsewhere within the borough of Tunbridge Wells.

Capel Parish Council were discussing with TWBC some additional housing within the parish, namely 440 homes within Five Oak Green, but this was withdrawn by TWBC when the Tudeley plan was revealed at a much later date.

Question 7

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Question 7a

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_889
Response Date	01/06/21 13:16
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/CA 1 The Strategy for Capel parish
Page 174 STR/CA 1 (6.) (b.)

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

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

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b. open space, sports, and recreations facilities, including improvements to the football pitches at Five Oak Green Recreation Ground.

This item is a very clear example of just how little effort TWBC made to understand the issues in Capel parish and the main village of Five Oak Green. We do not have multiple football pitches. We have just one. It is maintained by Capel Parish Council and does not require any additional funding.

It should also be noted that in one of the plans for sites within Five Oak Green, the detail shows that TWBC have allocated building all over the recreation ground & allotments where we have a new play area (£130k sourced by a local charity with NO support from TWBC), recently revived cricket club with restored pavilion and a Multi Use Games Area (MUGA) installed in 2018 at a cost of £79k and of course the Capel Community Centre.

The PSLP is therefore Unsound.

Question 6

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A good start would be to actually acknowledge what we currently have in Capel parish and then discuss with the various clubs and societies what we would like to see in the future. This should have been discussed prior to the publication of the PSLP. It was not and therefore the PSLP is Unsound

Question 7

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Question 7a

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As an Honorary President and one of the founders of the revived Capel Cricket Club which has in excess of 150 members from the local community, any discussions regarding Capel should have included those who actually complete many hours of voluntary work within the community. There is NO evidence this has been done and so our voice needs to be heard at any examination hearing.

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_891
Response Date	01/06/21 13:16
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.2

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Jeff Fenton

Question 3

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

Question 3a

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

Policy STR/CA 1 The Strategy for Capel parish

Paragraph Number: 5.264

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

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Do you consider that the Local Plan is not sound because:	. It is not positively prepared
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This whole section is disingenuous as it ignores the various issues with transportation in Capel. The Rural Lanes are very busy rat-runs all day and have a very poor accident record with many "near misses". The buses do not run beyond 7.15pm and not on Sundays.

Question 6

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The plan needs to reflect the actual facts and not just vague descriptions that suggest the bus services are running 24/7. They are not.

Question 7

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

Question 7a

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_893
Response Date	01/06/21 13:16
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

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

Paragraph Numbers: 5.494 and 5.5

[TWBC: This representation has been input against Policies PSTR/BM 1 and AL/BM 1 - please see Comment Numbers PSLP_893 and PSLP_895]

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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This site at Coppers Lane/Maidstone Road Matfield is approx. 2.88 hectares. The number of dwellings approved by TWBC in a recent application is just 45, whereas if the standard 30 dwellings per hectare is used then there should be approx. 86 dwellings on this site. A similar site just across the main Maidstone road from this site achieved a very much greater number per hectare.

The alleged 40% affordable homes appears to be a very much exaggerated figure as the cost of these properties will be well above what any person on average or possibly medium salaries could ever afford.

Question 6

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If we are to respect the need for improved numbers per hectare on all sites as large as this one, TWBC needs to explain why that is not the case for this site? Compare this to All Saints Church at Tudeley, recognised as one of the most visited country churches in the UK with its Marc Chagall windows and surrounded by open countryside, yet on their doorstep they will have 2,800 houses and a view of a primary school. It really is disgraceful.

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:

I think we deserve to see fairness in the system and this site does not respect a fair number of homes for the size of site.

Future Notifications

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_895
Response Date	01/06/21 13:16
Consultation Point	Policy AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation 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/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road

Paragraph Numbers: 5.494 and 5.5

[TWBC: This representation has been input against Policies PSTR/BM 1 and AL/BM 1 - please see Comment Numbers PSLP_893 and PSLP_895]

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
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- . It is not justified
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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_866
Response Date	01/06/21 13:16
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 9 Biodiversity Net Gain	
Paragraph Number 6.132	
Question 4	
Do you consider that the Local Plan:	
Is sound	No

Question 4a

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6.132 "The objective will be for all development to contribute towards delivering net gains for nature so that biodiversity across the borough as a whole is improved by the end of the plan period, and the existing network of sites and habitats is protected and strengthened with the retention and creation of robust, well managed green infrastructure".

There is no evidence that the two strategic sites will CONTRIBUTE towards delivering net gains and IMPROVE biodiversity across The Borough. The study conducted by the Durrell Institute last year across the four councils (one of which is Tunbridge Wells) who have adopted early 10% net biodiversity gains, indicates that these Councils have not achieved the goal. The introduction of thousands of domestic pets into two areas of countryside in itself will be hugely destructive.

Question 6

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EN 9 To at least keep some balance with the natural environment the ownership of cats and dogs would need to be prohibited. Even with this measure it is unlikely that 10% net gain in biodiversity would be achieved with large new town. Smaller proportional development would allow for organic growth around existing settlements without the massive displacement of species as is already being seen in PW with unprecedented sightings of deer etc A few bat boxes is unlikely to cut the mustard especially in Capel which has a fantastic array of flora and fauna at present. The plan is therefore unsound as Development Management Policies and strategic policies are not deliverable.

Question 7

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For reasons previously stated

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_867
Response Date	01/06/21 13:16
Consultation Point	Policy EN 13 Ancient Woodland and Veteran Trees (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy EN 13 Ancient Woodland and Veteran Trees

Paragraph Number 6.170

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

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6.170 The Council will seek to prevent loss of, and to enhance, woodland cover, working proactively with woodland owners and relevant organisations to bring woodland back into management where possible. In the absence of site surveys and detailed assessments, the Council will assume a buffer of 25m from the edge of the woodland,

The route of the proposed FOG By Pass appears to run within a few metres or even through an

Area of ancient woodland. Moving it in either direction north or south would then have significant impact on the listed buildings either side.

Question 6

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EN 13 The route of the FOG bypass if taken forward needs far more consideration as to its route. The Parish Council suggested that new thought should be given to a by pass for the whole of Paddock Wood and Five Oak Green. Possibly starting well north on the A228 and running into the A21. This needs to go back to the drawing board for a complete rethink. It seems odd that the much vaunted "virtually carless" Tudeley new town where all needs are catered for so everyone can walk or cycle warrants a by-pass!! This has contradiction has not been explained in the evidence base. As such the plan is unsound.

Question 7

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Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_873
Response Date	01/06/21 13:16
Consultation Point	Policy EN 25 Flood Risk (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 25 Flood Risk	
Paragraph Numbers: 6.276, 6.277, 6.279 and 6.280	
Question 4	
Do you consider that the Local Plan:	
Is sound	No

Question 4a

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6.276 In accordance with the NPPF, the Council is committed to managing flood risk from all sources, including wastewater, in the borough, taking account of advice from the Environment Agency, Kent County Council (as the Lead Local Flood Authority), and the Medway Internal Drainage Board.

Five Oak Green and many other areas of Capel still flood. TWBC and KCC have achieved nothing to reduce the flood risk except tinker around the edges cleaning ditches and drains. The last serious flood was as recent as February 2020 when areas such as the hamlet of Capel and Hartlake/Tudeley Hale flooded as well as the main settlement. The road from Tonbridge to Paddock was closed the length of Capel by the police. Much was made of the “leaky dams” installed on Hadlow Estates land which supposedly would alleviate the flood risk in FOG obviously though this appears not to have been the case.

6.277 It is essential that new development across the borough does not increase flood risk, and that any new development proposed in areas that are vulnerable to flood risk 'build in' additional local capacity in terms of flood mitigation and provide 'betterment' where possible:

This is unachievable without substantial investment around and south of Five Oak Green. The £1.75m (2016 last figure) proposed FOG Flood Alleviation Scheme by the EA is unfunded. The EA requested a “starter” fund of £250K from the Parish Council in 2016 just to put a funding bid in – this was an unrealistic figure for a small community to raise. Furthermore, in the IDP it is stated that the EA have yet to decide what scheme might be installed, and therefore no evidence of its potential to succeed. (The parish council in 2016 when asked to supply this funding asked if the scheme could be guaranteed successful – the EA were unable to supply this assurance)

6.279 The Council will therefore discourage inappropriate development in areas at known risk from flooding

6.280....without increasing flood risk on the site itself, and that there would be no increase to flood risk elsewhere.

Five Oak Green has recorded serious flooding for 50+ years (some exacerbated by previous development). East Capel, the site chosen to expand Paddock Wood is a floodplain and serves its purpose well. The topography of Tudeley suggests the run off into the Medway will be massive. There is no evidence that TWBC has “discouraged” the proposed development at either of the strategic sites, just the opposite. The risk to the existing community will be exacerbated and the communities with serious flood histories down stream of the Medway such as East Peckham and Yalding are extremely concerned about these proposals.

EN25 states that proposals for new development should contribute to an overall flood risk reduction

Neither the expansion of Paddock Wood nor the building of a new town where runoff will undoubtedly enter the Medway will contribute to a reduction in flood risk. Flood water has to be discharged

somewhere and as the community know in Five Oak Green, the arrival of the fire brigade and pumps does not improve the situation in a flood zone as there is nowhere to pump to.

Question 6

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Assess other areas that are not prone to flooding or within Flood Zone 3, nor on functional floodplains. This has not been evidenced as justified. If any calculations are incorrect and flooding is exacerbated due to these developments, elsewhere, who do we sue?

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

I wish to participate as a member of a community, it is important the voice of the community is heard

Future Notifications

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Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_868
Response Date	01/06/21 13:16
Consultation Point	Policy EN 26 Sustainable Drainage (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	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy EN 26 Sustainable Drainage	
Paragraph Number 6.283	
Question 4	
Do you consider that the Local Plan:	
Is sound	No

Question 4a

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There is no evidence that SUDS have worked in this area at all. A massive new pipeline is being installed by Southern Water around Paddock Wood, however this will only deal with the current new developments already being built out and will in no way reduce the issues of sewerage flooding suffered by the existing community. The valley he Policy does not recognise the seriousness of the existing flooding in the Medway valley and suggests there is a simple solution to any development. There will be some 30,000 new dwellings and businesses planned over the next decade right across the area.

Question 6

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This Policy needs to be re-examined. Tunbridge Wells need to address the impact together with other boroughs of climate change and the impact of disproportionate placing of new development in flood zones.

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Question 7a

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As previously stated

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

Comment

Consultee	Mr Jeff Fenton [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Jeff Fenton [REDACTED]
Comment ID	PSLP_871
Response Date	01/06/21 13:16
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jeff Fenton
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H 3 Affordable Housing	
Paragraph Numbers: 6.328, 6.331 and 6.333	
Question 4	
Do you consider that the Local Plan:	
Is sound	No

Question 4a

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The housing allocations will become distorted as many London Boroughs will (and have previously) bought properties in this area to use as social housing for their own residents. This will distort the actual figures of housing available for the existing local community.

What mechanisms will be in place to properly monitor the "Build to rent Schemes" It appears that the new developments in Paddock Wood are being actively marketed in China, where owners will still reside and rent to the expected influx of Hongkinese.

Again, how will the allocations for social rented housing be monitored? Five Oak Green has a relatively large proportion of social housing already but it is evident many have moved from London Boroughs into the area and not from Tunbridge Wells.

It will be impossible for TWBC to monitor any of the housing that developers sell and to prevent developers ignoring any "rules" that TWBC might devise within planning applications.

It is worrying that TWBC might consider that any site can't support on-site affordable housing and this is a clause for some developers who only want to cater to the upper end of the market?

Question 6

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

The PSLP has not received any support from the local community. It does not address the needs of the existing community. Five Oak Green in particular is in the unenviable position of being sandwiched between two large developments within its parish with no benefits from either. The MGB constraint, which ridiculously bisects private gardens at present, will be tightened around the village meaning there will be no growth or economic development. This is not justified and therefore the plan unsound.

Question 7

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

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

Question 7a

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

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

As previously stated

Future Notifications

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

Comment

Consultee	Michael Ferguson [REDACTED]
Email Address	[REDACTED]
Address	- East Peckham -
Event Name	Pre-Submission Local Plan
Comment by	Michael Ferguson [REDACTED]
Comment ID	PSLP_385
Response Date	25/05/21 14:44
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Michael Ferguson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

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

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

Question 5

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

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

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

Local Cycling and Walking Infrastructure Plan: Phase 2

I have been made aware of the above which I see is dated March 2021.

I live in East Peckham and will therefore concentrate on your proposals for Paddock Wood.

If your proposals were to come to pass, Paddock Wood would certainly become a much more pleasant place for pedestrians and cyclists, principally because you would have turned it into a ghost town with no businesses and therefore no reason to visit the benighted place. Do you really have the powers to make changes that will, pretty much, instantly put perfectly good businesses such as Barsleys and Waitrose out of business.

The only sensible way into Paddock Wood from the North is along Maidstone Road. You propose closing it at the railway bridge to people in motor cars. Are you suggesting one detours through Lucks Lane or Wagon Lane? I happen to like my wing mirrors. On the Western side one could use Whetsted and Badsell Roads. Getting through the traffic lights at the end of Badsell Road is bad enough now, never mind with an increase in the traffic using it, plus extended waiting times to allow pedestrians and cyclists to cross at the lights, plus all the cars from the new housing estate being put up there. Oh yes, and just how well is that going for the builder?

I never cease to be astonished and some of the proposals which come out of the public sector, but this is madness of the highest order. How much time and money has been wasted on this nonsense which, for the good of Paddock Wood, simply must not come to pass.

Question 7

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

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

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_533
Response Date	26/05/21 09:24
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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.

Legal compliance and duty to cooperate

Question 4a

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

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

Question 5

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[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

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

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.4.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement

was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.4.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.4.6 Having regard to the above, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

1.4.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

Question 7

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

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

Supporting Information File Ref No: SI_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_509
Response Date	26/05/21 09:24
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3a	

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

Section 3: Vision and Objectives

Question 4a

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

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

Question 5

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[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Fernham Homes (hereafter referred to as 'Fernham') in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.1.3 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Fernham's control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.1.6 Fernham Homes hope to work with the Council to agree a revised proposal. In the interim, these comments explain why we are concerned about the manner in which some sites have been omitted from the plan making process.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 1.48 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley.

[TWBC: to view site plan see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north and commercial buildings are located on the west side of Glassenbury Road. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial developments, farmsteads and agricultural buildings as well as open agricultural land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 A high pressure water main and overhead power lines run through the site and represent design constraints.

1.2.9 The Hartley Road frontage of the site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and• 96/00283/FUL - 3 Detached dwellings – Refused. • 17/00795/FULL - Demolition of four derelict agricultural buildings and construction of four detached dwellings with associated parking, landscaping and access from Hartley Road (Withdrawn 08/02/18 following publication of officer's recommendation to refuse in advance of Planning Committee meeting).

1.2.10 The area immediately east of the site, between the built up area and Hartley Gate Farmhouse, has been subject to a planning appeal (APP/M2270/W/18/3203543) for the erection of 8 homes. The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.11 Given the suitability of Fernham's land, an outline planning permission was progressed for 27 new homes and registered under Tunbridge Wells planning application reference 19/02170/OUT. However, this application was refused by Tunbridge Wells Borough Council for seven reasons:

(1) The development would cause significant harm to the rural character of the area, would have more than a minimal impact on the landscape character of the locality, would have a detrimental impact on the landscape setting of Cranbrook and would fail to conserve and enhance the special character of the High Weald Area of Outstanding Natural Beauty. It is therefore contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, the aims and objectives of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework 2019(2) The application fails to

demonstrate that safe and suitable access to the site can be achieved for all users. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2019, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.(3) There is insufficient evidence to demonstrate that the proposal can result in a net gain in biodiversity. The proposal is thus contrary to Para 170 the National Planning Policy Framework 2019(4) The proposal would harm the setting of nearby listed buildings. It is not considered that there are sufficient public benefits, or any other material considerations, that outweigh this harm. The proposal is thus contrary to saved policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and the National Planning Policy Framework 2019(5) The proposal would not provide developer contributions towards Secondary Education, Youth Provision and the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019, the Planning Practice Guidance, Core Policy CP1 of the Tunbridge Wells Core Strategy 2010 and Policies CS4 and R2 of the Tunbridge Wells Borough Local Plan 2006.(6) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2019, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.(7) The proposal would not provide developer contributions towards new single premises for the three General Practices located in Cranbrook to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

1.2.12 Not only did the Council refuse this application, but in seeking to defend the appeal the site was also removed from the Local Plan pre-submission draft.

1.2.13 An appeal was subsequently lodged (Appeal Ref: APP/M2270/W/20/3247977) during the life of which reasons for refusal 5 to 7 were resolved prior to determination (through the provision of a suitably worded Section 106 Legal Agreement). Reason for refusal 3 was also overcome as a result of providing further ecology information and a further commitment within the Section 106.

1.2.14 The main issues for the appeal (and so wider site suitability) were narrowed to:

(1) The impact of the proposed development on the character and appearance of the area including landscape character and the AONB;(2) Highways safety; and(3) Heritage harm.

1.2.15 The appeal was dismissed in February 2021, but in doing so the Inspector provided clear findings on a number of key matters that were in dispute and formed the basis for deleting the allocation. We summarise these findings below. A full copy of the appeal is included as Appendix 1.

Heritage

1.2.16 Paragraphs 50 to 64 directly responded to the heritage evidence, with the Inspector ultimately endorsing the appellant's evidence that heritage harm would be restricted to Hartley Gate Farmhouse only and in the less than substantial range. The Inspector rejected harm to wider assets. At paragraph 150 he concluded:

'Given the relatively low level of harm I have found in relation to the farmhouse and the significant housing and other positive attributes I have identified from the scheme, I find the heritage harm arising would be outweighed by the public benefits identified. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard'.

1.2.17 In our opinion, the Inspector provided a very clear conclusion that reason for refusal 4 was not a reasonable basis to withhold consent, nor did it provide a clear basis for disengaging the presumption in favour of sustainable development. As such, we consider the over estimation of heritage impacts contributed to an otherwise suitable allocation being omitted from the pre-submission plan.

Access and Highway Safety Matters

1.2.18 Paragraphs 65 to 88 of the appeal directly responds to the highway evidence. The Inspector's summary of highway matters stated:

'86. The A229 is a busy classified road. It reflects the accompanying dangers and relatively harsh pedestrian environment that might be expected, and improvements can always be made. Nevertheless, the evidence presented demonstrates the local highway network has no particular design flaws, and is capable of withstanding the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or inconvenience. I also note possibilities for further detailed refinements to the scheme, particularly in terms of facilities for

pedestrian movement, and which were discussed at the Inquiry in relation to a possible planning condition should the appeal be allowed.

87. The Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence against the proposed scheme falls significantly short of such a threshold.

88. I therefore conclude that the proposal would provide safe and suitable access for all users and would not be contrary to Policy TP4 of the Local Plan to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others'.

1.2.19 In our view, the Inspector provided a very clear conclusion that reason for refusal 2 was not supportable nor a reasonable basis to withhold consent and that the access was suitable for the quantum of development proposed. As such, we consider the dismissal of the site on highways grounds also wrongly contributed to the site being omitted from the pre-submission plan.

Location

1.2.20 At paragraph 117 the Inspector confirmed that the scheme enjoys a moderately sustainable location. Paragraph 124 also acknowledges that the Framework requires that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The scheme was deemed to be consistent with this aim and so modest weight was attached to these economic factors as a benefit.

Major Development

1.2.21 At paragraph 155 the Inspector confirms that the appeal scheme was not 'major' development.

Landscape Impact

1.2.22 Having regard to the above, reasons for refusal 2 to 7 were either overcome or dismissed by the Inspector. The only matter between parties relates to reason for refusal 1 and the associated impact upon the AONB.

1.2.23 In considering the conclusions, at paragraph 42, the Inspector is clear that the site may have potential for reintroduction of some sensitive built form, albeit a better balance has to be struck in relation to the legibility and distinctiveness of the AONB.

1.2.24 At paragraph 49 he concludes that the scheme would, by virtue of the extent of built development proposed (rather than principle) would be significantly harmful to the character and appearance of the appeal site and its surroundings.

1.2.25 In summary, all of the above commentary provides a clear basis to suggest that a revised scheme could integrate within the AONB setting. The Inspector stopped well short of concluding the site was unsuitable for development per se and as such we consider the deletion of the site, and subsequent impact it has had on evidence base and thus it is neither justified nor positively prepared.

1.2.26 We explain the wider relevance of the site being wrongly omitted in the context of the wider strategy within the subsequent sections of this representation.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.2 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.

1.3.3 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*

1.3.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.3.5 The vision is set out below:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.'

The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents. In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.*

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

• for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities; • for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding; • for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design; • for other settlements, to retain their essential local character, with high-quality sustainable development that reflects their environmental context, infrastructure, and site circumstances, having due regard to local needs; • for the countryside, to retain its landscape, biodiversity, and historic character for its own sake, as well as a setting for settlements, whilst supporting sympathetic rural enterprise'.

1.3.6 In order to deliver the vision the plan sets a number of strategic objectives:

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough; (2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population; (3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments; (4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments; (5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;

(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology; (7) To ensure that the borough is vibrant, culturally rich, and economically buoyant; (8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature; (9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met; (10) To support the goal to make the borough carbon neutral by 2030, and minimise the impact of climate change on communities, the economy, and the environment; (11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.7 Response

1.3.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.3.9 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 boroughwide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.3.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.3.11 With the above modifications, the objectives and vision will then be positively prepared.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters of soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

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.

1.3.7 Response

1.3.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.3.9 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 boroughwide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.3.10 We consider that objective 2 should be modified to read:

‘To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing’

1.3.11 With the above modifications, 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

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1660
Response Date	04/06/21 14:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., with interest to the site submitted under the previous Call for Sites and considered under the Pre Submission Local Plan SHELAA as Site 143. This logical Site on the edge of Five Oak Green remains deliverable and available under the stewardship of this local housebuilder and as an organic and sustainable addition to the village, this site could be brought forward in a manner consistent with the Council's overarching delivery objectives.

[TWBC: Above comment from covering email]

Fernhams Homes Limited (FHL) is promoting land at Tolhurst Road, Five Oak Green, for residential development and in this context that FHL wishes to express its objections to the development strategy insofar as it relates to development at Capel, as set out in Draft Policy STR/CA1.

The development strategy is based upon meeting, in full, the assessed local housing need for the area along with a "buffer" for flexibility. This is welcome, in principle, since the Plan's evidence base indicates very limited scope to apportion unmet housing need to neighbouring authorities, since neighbouring authorities experience many of the same constraints as Tunbridge Wells.

In this context the Council is asked to consider that The Housing Needs Topic Paper (paragraph 2.15) suggests that the Borough's uncapped housing need is for 741dpa, rather than the 678dpa that the authority commits to delivery within policy STR1. It is understood that the Housing Needs Topic Paper indicates that the median workplace affordability ratio relied upon within the calculation is 12.76. This was the figure issued in March 2019 and related to 2018. However on 25th March 2021, the 2020 based affordability ratios were issued and this indicates that the figure for Tunbridge Wells Borough is now 13.27. The application of the approach in Step 2 of the Standard Method (PPG IS ref 2a-004-20201216) means that the 13.27 affordability ratio results in an increase of 57.9375% above the household projections, rather than 54.75% as detailed in the Topic Paper.

Using the same annual average increase in households (2020-30) which the authority has used in their Topic Paper (484.3) means that the correct uncapped housing need for the Borough would be 765dpa. The revised uncapped figure using the latest affordability ratios is therefore 12.8% above the 678dpa within the draft Submission Local Plan. This is consequently the figure the authority should have included as the minimum requirement as it would have exceeded the capped figure which would therefore contribute towards needs arising in other authorities. This is explained further below.

It is agreed that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent Neighbours, we consider that a cohesive and coordinated approach be progressed with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is unfortunately not positively prepared, is not justified and is therefore not sound or legally compliant.

Also, as a result of this, the development strategy must respond pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt. The need to safeguard these areas must be carefully balanced against the need to achieve a sustainable pattern of growth and, in general terms, undertaking this balancing act has been found by Inspectors to be justified through local plan examinations elsewhere in the country (e.g. Guildford and Central Bedfordshire).

Green Belt

Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development. The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated: 'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

From a Green Belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist. 'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters:(i) the acuteness/intensity of the objectively assessed need (matters of degree may be important);(ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development;(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than four times double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. This needs to be considered in the context that the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider

the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

The NPPF tells us that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In releasing land within the Green Belt the ability to mitigate the impact in any meaningful way exists only on contained sites that affect one's perception of openness within the site and from immediate vantage points.

The conclusion that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation is therefore agreed. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

That said, the contribution to development needs from the non-constrained area of the Borough must, within reason, be maximised to limit the extent of Green Belt release and encroachment by new development within the AONB. In Green Belt release terms, this is essential to making the case for "exceptional circumstances" as per paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), and, in AONB terms, to demonstrate that great weight has been provided to conserving and enhancing the AONB and limiting the scale and extent of development within the AONB (NPPF, paragraph 172).

Given the above, FHL welcomes the decision (described at paragraph 4.48 of the Plan's supporting text) to reduce the level of growth previously proposed in the AONB as being beneficial to the overall soundness of the Plan. In part compensation, the Plan has seen a greater focus on urban intensification and brownfield which has been identified as a lynchpin of the development strategy in Draft Policy STR 1. It must be recognised, however, that urban intensification and brownfield redevelopment have limits and those sites that are available may not be quick to come forward given the myriad of issues that typically affect the deliverability of urban and brownfield land. By way of using urban land to its fullest potential in order to avoid directing growth to the Borough's more sensitive areas, the Brownfield and Urban Land Topic Paper (January 2021) details a very exhaustive approach to ensuring that these opportunities are maximised whilst ensuring that the level of growth planned through these means is deliverable and realistic.

Strategy

Combined with the two strategic proposals in the Plan, Tudeley Village and the expansion of Paddock Wood, both of which exist within close proximity to each other and have complex infrastructure and phasing requirements, over-reliance on urban intensification and brownfield sites coming forward could result in a "top-heavy" development strategy unless it is accompanied by a wider dispersal of small to medium sized sites that are capable of yielding housing completions quickly as well as contributing to the viability and vitality of rural areas.

With regards to the trajectory of delivery in relation to the Tudeley village, Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver' provides evidence of the speed and rate of delivery of large-scale housing. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. In summary, based on real life case studies, and the scale of development proposed, it is considered that housing may evidently be unlikely to be delivered at Tudeley until around 8 years after the granting of planning permission.

In fact, the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic. It is considered that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. The considered over reliance upon Tudeley Garden Village means that if it is not delivered as planned there would not be any flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

It is therefore welcome that the Plan provides for these opportunities as they will diversify the sources of housing supply and ensure that the Plan retains flexibility to respond to changing circumstances. We would note from Figure 3 of the Housing Supply and Trajectory Topic Paper (February 2021) that expected housing completions within the plan period will ensure a consistent and steady supply to meet ongoing need, particularly in the earlier years, which is important given the Plan's reliance on strategic sites.

As set out above, opportunities for dispersing growth to the rural area generally will be limited by the AONB and the Green Belt. Paragraph 7.16 also identifies the concerns expressed at the Draft local Plan stage about unduly and disproportionately large scales of growth at smaller villages, whereas the proposed allocation of sites such as that at land at Tolhurst Road, Five Oak Green, will ensure a more natural and ultimately more sustainable development as it is at a level whereby growth in Five Oak Green which can also enable the expansion of services and facilities to improve the sustainability credentials of the settlement which, in addition to being in the spirit of the Planning Practice Guidance and the National Planning Policy Framework, can facilitate delivery of the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs.

In general terms, we consider allocating a material level of growth at Five Oak Green to be sound and fully supported by the Plan's evidence base.

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 support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. However, it is considered that the Local Plan strategy relies too heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council has applied overly optimistic projections to the delivery of housing for the Tudeley Garden Village and it is considered that a more realistic timeframe should be adopted for the delivery trajectory of the Tudeley.

In the intervening time, it is considered that further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Five Oak Green where it is considered that sites such as our client's land at should be added to offset the loss of the housing relied upon. For this reason, we object to the exclusion of our client's land at Tolhurst Road, Five Oak Green.

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:

Fernham Homes Limited is promoting Land at Tolhurst Road, Five Oak Green, for development and is seeking changes to Draft Policy STR1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

FHL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the development strategy.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1652
Response Date	04/06/21 14:27
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., who seek to support the site currently drafted for providing housing and a significant community facilities at Sissinghurst (under Policy STR CRS 1), subject to important modifications which ensures the viable delivery of the site.

[TWBC: Above comment from covering email]

Fernhams Homes Limited (FHL) is promoting land south of The Street, Sissinghurst for residential development. It is welcome that the Pre-Submission Local Plan ("the Plan") proposes to allocate this site for development and it is in this context that FHL wishes to express its general support for the development strategy as set out in Draft Policy STR /CRS1.

The development strategy is based upon meeting, in full, the assessed local housing need for the area along with a "buffer" for flexibility. This is welcome, in principle, since the Plan's evidence base indicates very limited scope to apportion unmet housing need to neighbouring authorities, since neighbouring authorities experience many of the same constraints as Tunbridge Wells.

We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent Neighbours, we consider that a cohesive and coordinated approach be progressed with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is unfortunately not positively prepared, is not justified and is therefore not sound or legally complaint.

Also, as a result of this, the development strategy must respond pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB)

and the Metropolitan Green Belt. The need to safeguard these areas must be carefully balanced against the need to achieve a sustainable pattern of growth and, in general terms, undertaking this balancing act has been found by Inspectors to be justified through local plan examinations elsewhere in the country (e.g. Guildford and Central Bedfordshire).

That said, the contribution to development needs from the non-constrained area of the Borough must, within reason, be maximised to limit the extent of Green Belt release and encroachment by new development within the AONB. In Green Belt release terms, this is essential to making the case for “exceptional circumstances” as per paragraphs 136 and 137 of the National Planning Policy Framework (NPPF), and, in AONB terms, to demonstrating that great weight has been provided to conserving and enhancing the AONB and limiting the scale and extent of development within the AONB (NPPF, paragraph 172). Implicitly, the need to maximise areas beyond the Green Belt and AONB has already been acknowledged by the Plan’s proposed transformational expansion of Paddock Wood, which apart from being a sustainable location, also has the advantage of avoiding the AONB and would entail only some Green Belt release. This “avoidance” strategy should run through the Plan’s as a whole in order for it to be sound in its conformity with national policy.

Given the above, FHL welcomes the decision (described at paragraph 4.48 of the Plan’s supporting text) to reduce the level of growth previously proposed in the AONB as being beneficial to the overall soundness of the Plan. In part compensation, the Plan has seen a greater focus on urban intensification and brownfield which has been identified as a lynchpin of the development strategy in Draft Policy STR 1. It must be recognised, however, that urban intensification and brownfield redevelopment have limits and those sites that are available may not be quick to come forward given the myriad of issues that typically affect the deliverability of urban and brownfield land. By way of using urban land to its fullest potential in order to avoid directing growth to the Borough’s more sensitive areas, the Brownfield and Urban Land Topic Paper (January 2021) details a very exhaustive approach to ensuring that these opportunities are maximised whilst ensuring that the level of growth planned through these means is deliverable and realistic.

Combined with the two strategic proposals in the Plan, Tudeley Village and the expansion of Paddock Wood, both of which exist within close proximity to each other and have complex infrastructure and phasing requirements, over-reliance on urban intensification and brownfield sites coming forward could result in a “top-heavy” development strategy unless it is accompanied by a wider dispersal of small to medium sized sites that are capable of yielding housing completions quickly as well as contributing to the viability and vitality of rural areas.

With regards to the trajectory of delivery in relation to the Tudeley village, Nathaniel Lichfield’s and Partners (NLP) - ‘Start to Finish: How Quickly do Large-Scale Housing Sites Deliver’ provides evidence of the speed and rate of delivery of large-scale housing. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. In summary, based on real life case studies, and the scale of development proposed, it is considered that housing may evidently be unlikely to be delivered at Tudeley until around 8 years after the granting of planning permission.

In fact, the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic. It is considered that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change. The considered over reliance upon Tudeley Garden Village means that if it is not delivered as planned there would not be any flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

As set out above, opportunities for dispersing growth to the rural area generally will be limited by the AONB and the Green Belt which is why Sissinghurst, as a sustainable settlement outside both of these areas, plays such a crucial role in the overall development strategy. We note from paragraph 6.66 of the Development Strategy Topic Paper (February 2021), for instance, that the outcome of the SHELAA

process has been to identify a number of suitable sites at Sissinghurst (February 2021), identifying it as one of the best performing rural settlements in terms of the availability of services and facilities.

Paragraph 7.16 also identifies the concerns expressed at the Draft local Plan stage about unduly and disproportionately large scales of growth at smaller villages, whereas the proposed allocation of sites such as that at land south of The Street, together with improved community facilities, will ensure a more natural and ultimately more sustainable development as it is at a level whereby growth in Sissinghurst can also enable the expansion of services and facilities to improve the sustainability credentials of the settlement which, in addition to being in the spirit of the Planning Practice Guidance and the National Planning Policy Framework, can facilitate delivery of the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs.

In general terms, we consider allocating a material level of growth at Sissinghurst to be sound and fully supported by the Plan's evidence base. In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. The Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements is not agreed. A vast number of residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible. It is not reasonable to assume that residents in these areas, and those that cannot afford their own homes, wish to be displaced to the more built up non-Green Belt areas nor to congregate in the Paddock Wood/Tudeley corridor.

The contribution made by Sissinghurst and the non-AONB rural settlements generally to the development strategy should be expressly recognised in Draft Policy STR 1 as it is an issue of strategic importance to reasonably maximise the contribution of areas outside the AONB toward meeting development needs.

In so doing, drawing upon the evidence base, the development strategy should clearly set out the role and function of each higher order rural settlement, including Sissinghurst, in order to explain more clearly in broad, strategic terms the role each one plays its part in delivering the Plan's overall strategy. For Sissinghurst, we would request express recognition for the important role the settlement will play in meeting housing needs over the plan period in a sustainable location that is not affected by fundamental landscape or Green Belt constraints.

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.

Draft Policy STR 1 or a further policy should identify a clear hierarchy of settlements and growth areas to guide the apportionment of housing and explain how each one will play a part in delivering the Plan's development strategy. We note that Limb 3 of Draft Policy STR 1 already does this in respect of strategic allocations but this should be extended to the Borough's rural settlements alongside an express recognition that development outside the Green Belt and AONB should be maximised in order to safeguard these important designations to the extent consistent with broader sustainability objectives.

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:

Fernham Homes Limited is promoting Land South of The Street, Sissinghurst for development and is seeking changes to Draft Policy STR1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

FHL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the development strategy.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_34

Comment

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Consultee	Fernham Homes [REDACTED]
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Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_510
Response Date	26/05/21 09:24
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.14
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Fernham Homes (hereafter referred to as 'Fernham') in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.1.3 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Fernham's control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury

Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.1.6 Fernham Homes hope to work with the Council to agree a revised proposal. In the interim, these comments explain why we are concerned about the manner in which some sites have been omitted from the plan making process.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 1.48 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley.

[TWBC: to view site plan see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north and commercial buildings are located on the west side of Glassenbury Road. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial developments, farmsteads and agricultural buildings as well as open agricultural land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 A high pressure water main and overhead power lines run through the site and represent design constraints.

1.2.9 The Hartley Road frontage of the site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and• 96/00283/FUL - 3 Detached dwellings – Refused. • 17/00795/FULL - Demolition of four derelict agricultural buildings and construction of four detached dwellings with associated parking, landscaping and access from Hartley Road (Withdrawn 08/02/18 following publication of officer's recommendation to refuse in advance of Planning Committee meeting).

1.2.10 The area immediately east of the site, between the built up area and Hartley Gate Farmhouse, has been subject to a planning appeal (APP/M2270/W/18/3203543) for the erection of 8 homes. The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.11 Given the suitability of Fernham's land, an outline planning permission was progressed for 27 new homes and registered under Tunbridge Wells planning application reference 19/02170/OUT. However, this application was refused by Tunbridge Wells Borough Council for seven reasons:

(1) The development would cause significant harm to the rural character of the area, would have more than a minimal impact on the landscape character of the locality, would have a detrimental impact on the landscape setting of Cranbrook and would fail to conserve and enhance the special character of the High Weald Area of Outstanding Natural Beauty. It is therefore contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, the aims and objectives of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework 2019(2) The application fails to demonstrate that safe and suitable access to the site can be achieved for all users. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2019, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.(3) There is insufficient evidence to demonstrate that the proposal can result in a net gain in biodiversity. The proposal is thus contrary to Para 170 the National Planning Policy Framework 2019(4) The proposal would harm the setting of nearby listed buildings. It is not considered that there are sufficient public benefits, or any other material considerations, that outweigh this harm. The proposal is thus contrary to saved policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and the National Planning Policy Framework 2019(5) The proposal would not provide developer contributions towards Secondary Education, Youth Provision and the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019, the Planning Practice Guidance, Core Policy CP1 of the Tunbridge Wells Core Strategy 2010 and Policies CS4 and R2 of the Tunbridge Wells Borough Local Plan 2006.(6) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2019, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.(7) The proposal would not provide developer contributions towards new single premises for the three General Practices located in Cranbrook to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

1.2.12 Not only did the Council refuse this application, but in seeking to defend the appeal the site was also removed from the Local Plan pre-submission draft.

1.2.13 An appeal was subsequently lodged (Appeal Ref: APP/M2270/W/20/3247977) during the life of which reasons for refusal 5 to 7 were resolved prior to determination (through the provision of a suitably worded Section 106 Legal Agreement). Reason for refusal 3 was also overcome as a result of providing further ecology information and a further commitment within the Section 106.

1.2.14 The main issues for the appeal (and so wider site suitability) were narrowed to:

(1) The impact of the proposed development on the character and appearance of the area including landscape character and the AONB;(2) Highways safety; and(3) Heritage harm.

1.2.15 The appeal was dismissed in February 2021, but in doing so the Inspector provided clear findings on a number of key matters that were in dispute and formed the basis for deleting the allocation. We summarise these findings below. A full copy of the appeal is included as Appendix 1.

Heritage

1.2.16 Paragraphs 50 to 64 directly responded to the heritage evidence, with the Inspector ultimately endorsing the appellant's evidence that heritage harm would be restricted to Hartley Gate Farmhouse only and in the less than substantial range. The Inspector rejected harm to wider assets. At paragraph 150 he concluded:

'Given the relatively low level of harm I have found in relation to the farmhouse and the significant housing and other positive attributes I have identified from the scheme, I find the heritage harm arising would be outweighed by the public benefits identified. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard'.

1.2.17 In our opinion, the Inspector provided a very clear conclusion that reason for refusal 4 was not a reasonable basis to withhold consent, nor did it provide a clear basis for disengaging the presumption in favour of sustainable development. As such, we consider the over estimation of heritage impacts contributed to an otherwise suitable allocation being omitted from the pre-submission plan.

Access and Highway Safety Matters

1.2.18 Paragraphs 65 to 88 of the appeal directly responds to the highway evidence. The Inspector's summary of highway matters stated:

'86. The A229 is a busy classified road. It reflects the accompanying dangers and relatively harsh pedestrian environment that might be expected, and improvements can always be made. Nevertheless, the evidence presented demonstrates the local highway network has no particular design flaws, and is capable of withstanding the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or inconvenience. I also note possibilities for further detailed refinements to the scheme, particularly in terms of facilities for pedestrian movement, and which were discussed at the Inquiry in relation to a possible planning condition should the appeal be allowed.

87. The Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence against the proposed scheme falls significantly short of such a threshold.

88. I therefore conclude that the proposal would provide safe and suitable access for all users and would not be contrary to Policy TP4 of the Local Plan to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others'.

1.2.19 In our view, the Inspector provided a very clear conclusion that reason for refusal 2 was not supportable nor a reasonable basis to withhold consent and that the access was suitable for the quantum of development proposed. As such, we consider the dismissal of the site on highways grounds also wrongly contributed to the site being omitted from the pre-submission plan.

Location

1.2.20 At paragraph 117 the Inspector confirmed that the scheme enjoys a moderately sustainable location. Paragraph 124 also acknowledges that the Framework requires that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The scheme was deemed to be consistent with this aim and so modest weight was attached to these economic factors as a benefit.

Major Development

1.2.21 At paragraph 155 the Inspector confirms that the appeal scheme was not 'major' development.

Landscape Impact

1.2.22 Having regard to the above, reasons for refusal 2 to 7 were either overcome or dismissed by the Inspector. The only matter between parties relates to reason for refusal 1 and the associated impact upon the AONB.

1.2.23 In considering the conclusions, at paragraph 42, the Inspector is clear that the site may have potential for reintroduction of some sensitive built form, albeit a better balance has to be struck in relation to the legibility and distinctiveness of the AONB.

1.2.24 At paragraph 49 he concludes that the scheme would, by virtue of the extent of built development proposed (rather than principle) would be significantly harmful to the character and appearance of the appeal site and its surroundings.

1.2.25 In summary, all of the above commentary provides a clear basis to suggest that a revised scheme could integrate within the AONB setting. The Inspector stopped well short of concluding the site was unsuitable for development per se and as such we consider the deletion of the site, and subsequent impact it has had on evidence base and thus it is neither justified nor positively prepared.

1.2.26 We explain the wider relevance of the site being wrongly omitted in the context of the wider strategy within the subsequent sections of this representation.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.2 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.

Development Strategy and Strategic Policies (Policy STR1)

1.3.12 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.

1.3.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.3.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.3.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.3.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: to view copy of Local Plan Figure 5 Key Diagram see full representation attached].

1.3.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: PSLP Policy STR1 duplicated here - see full representation attached]

1.3.18 By way of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.3.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.3.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.3.21 The full proposed distribution of development is set out below.

[TWBC: to view copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.3.22 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent Neighbours, we consider the review process should surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is not positively prepared, is not justified and is therefore not sound or legally compliant.

1.3.23 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have

concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.3.24 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.3.25 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. In summary, based on real life case studies, and the scale of development proposed, housing is unlikely to be delivered at Tudeley until circa 8 years after the first planning permission is approved.

1.3.26 After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.3.27 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council, with minimal units being delivered within the current plan period.

1.3.28 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.3.29 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.3.30 Kings Hill is an extremely prudent example to consider in the context of the Paddock Wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases we delivered at lower rates given the need to front load infrastructure.

1.3.31 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

1.3.32 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.3.33 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.3.34 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites such as our client's land should be added to offset the loss of the housing relied upon from Tudeley.

1.3.35 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.3.36 As the borough is covered by more than 60% AONB designation, it is clear that a vast number of its residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible. It is not reasonable to assume that residents in these areas, and those that cannot afford their own homes, wish to be displaced to the more built up non-Green Belt areas nor to congregate in the Paddock Wood/Tudeley corridor.

1.3.37 Indeed, it can be seen by the Core Diagram that the proposed strategy is to direct development to the west of the borough with far more limited growth to the east.

1.3.38 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough. Many of these sites, including our client's land, can deliver quickly and usually require limited intervention to infrastructure.

1.3.39 As explained, our client's land is suitable, available and achievable and was, in our view, removed as response to our client's planning appeal rather than as a result of and robust planning evidence. Indeed, the appeal process itself made clear that six of the seven reasons for refusal could not be substantiated, whilst impact on the AONB could be mitigated with an alternative scale and design approach. In short, our client's site represents a suitable location to reinsert a site that will deliver in the short term.

Green Belt vs AONB Release

1.3.40 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.3.41 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

1.3.42 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.3.43 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of Exceptional Circumstances.

1.3.44 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release vs that of AONB land.

1.3.45 From a Green Belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in

achieving sustainable development without impinging on the Green Belt;(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.3.46 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than four times double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is distinctly possible to channel much of the development beyond this designated area.

1.3.47 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.3.48 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.3.49 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.3.50 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.3.51 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.3.52 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met. For example, on the sites like our clients that were wrongly omitted.

1.3.53 Turning to the requirements of paragraph 172, there is an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.3.54 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.3.55 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

Ancient Woodland (approximately 16% of the borough) Circa 60 Local Wildlife Sites (approximately 11% of the borough) Ten Sites of Special Scientific Interest (SSSI) Five Local Nature Reserves (including one Community Woodland) One Regionally Important Geological Site, at Scotney Castle Quarry.

1.3.56 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.57 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.58 Given the above constraints, it is acknowledged that planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the Green Belt and AONB is patently met and with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.3.59 Ultimately it is our view that the Council has wrongly taken the AONB designation and treated it as a 'higher bar' or more significant constraint to development than Green Belt. We consider this approach to be wrong and inconsistent with the NPPF.

1.3.60 As a fundamental principle of planning, there is no barrier to development within AONB. It is a landscape designation and indeed much of the AONB is characterised by built up areas, including villages and towns such as Matfield, Hawkhurst and Cranbrook that are washed over by the designation. In planning terms it is entirely possible to develop within, or adjacent to these (and other AONB) settlements and have development sensitively integrate within the protected landscape. In contrast, Green Belt is an absolute constraint and exists to fulfil a strategic planning role. Once encroachment occurs, of any scale or quality, permanent harm is caused.

1.3.61 The NPPF tells us that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In releasing land within the Green Belt the ability to mitigate the impact does not exist in the same manner as it does within the AONB.

1.3.62 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

1.3.63 The over estimation of harm to the AONB, and under estimation of the strategic impact of Green Belt release, is such that this matter can only be addressed through main modification and the redistribution of some of the proposed growth.

1.3.64 Finally, it is important to address that demographically the eastern AONB extent of the borough, characterised by rural villages, represents some of the most affluent part of the borough. Accordingly, there is a risk that the strategy as drafted seeks to concentrate development to the more deprived areas so as to preserve the status quo in the more affluent villages whilst not delivering housing of all tenures throughout the entire borough meeting the borough wide housing need.

Housing Delivery

1.3.65 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.3.66 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.3.67 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced

legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.3.68 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: to view table of housing completion rates 2010 to 2015 see full representation attached].

1.3.69 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times to ensure the new plan is sufficiently flexible.

1.3.70 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: to view table of housing completion rates 2015 to 2020 (statement of common ground) with table note 1 The completions data for 22019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year.see full representation attached].

1.3.71 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.3.72 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

Maintaining a Five Year Housing Land Supply

1.3.73 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

1.3.74 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.3.75 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.3.76 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

[TWBC: to view table of information extracted from the LPA's published supply statements see full representation attached].

1.3.77 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.3.78 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery of housing. We see no evidence to suggest that this step change will occur and therefore the plan fails the test of being both positively prepared and effective.

Affordable Housing Need

1.3.79 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs.

1.3.80 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.3.81 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.3.82 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.3.83 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.3.84 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely immediately deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1.3.84 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely immediately deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

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

Agent Mr Gary Mickelborough [REDACTED]

Email Address [REDACTED]

Company / Organisation Bloomfields

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PADDOCK WOOD
[REDACTED]

Consultee Fernham Homes [REDACTED]

Address -
-
-

Event Name Pre-Submission Local Plan

Comment by Fernham Homes [REDACTED]

Comment ID PSLP_1659

Response Date 04/06/21 14:43

Consultation Point Policy STR 9 Green Belt ([View](#))

Status Processed

Submission Type Email

Version 0.3

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Fernham Homes Ltd

Question 2

Agent's Name and Organisation (if applicable) Bloomfields Ltd

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

Question 4

Do you consider that the Local Plan:

Is legally compliant 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 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.

These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., with interest to the site submitted under the previous Call for Sites and considered under the Pre Submission Local Plan SHELAA as Site 143. This logical Site on the edge of Five Oak Green remains deliverable and available under the stewardship of this local housebuilder and as an organic and sustainable addition to the village, this site could be brought forward in a manner consistent with the Council's overarching delivery objectives.

[TWBC: Above comment from covering email]

Through policy STR9, the Council seeks to remove land from the Green Belt for the delivery of a garden community at Tudeley in contrast to smaller areas of land which do not make any noteworthy contribution towards the purposes of the Green Belt, including locations on the edge of existing settlements, like the land at Tolhurst Road, Five Oak Green, The Street Sissinghurst and Hartley. Growth at such a settlement would be consistent with the approach of the NPPF (paragraph 77) which emphasises the importance of development in villages to support long term viability of services.

Additional development at other existing settlements would be consistent with the Green Belt guidance in the NPPF (paragraph 138) which emphasises the importance of identify villages beyond the Green Belt in preference to the unjustified removal of land within this designation. As indicated below, we do not consider that the authority has justified the removal of Tudeley from the Green Belt when there are other more sustainable options as detailed in paragraph 138 of the NPPF, including additional growth at the villages of Five Oak Green, Hartley and Sissinghurst.

It is understood from the Council's Viability Assessment that development of Tudeley is only viable where property values exceed that expected elsewhere in the Borough. However, FHL has carried out its own positive viability appraisals of others sites known to be viable and available for development at property values expected elsewhere in the Borough.

Question 6

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For the reasons detailed above, we object to the proposal in that it entails the removal of very significant areas from the Green Belt for which there is no justification given that there are other more appropriate and available sites for development across the Borough, including those at Hartley, Five Oak Green and Sissinghurst.

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:

Fernham Homes Limited is promoting Land at Tolhurst Road, Five Oak Green, The Street Sissinghurst, and Hartley, for development and is seeking changes to Draft Policy STR9. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1661
Response Date	04/06/21 14:43
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

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 consistent with national policy

Question 5

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[TWBC: Above comment from covering email]

Fernhams Homes Limited (FHL) is promoting land at Tolhurst Road, Five Oak Green (site 143), for residential development. It is in this context that FHL wishes to express its objections to the development strategy insofar as it relates to development at Capel, as set out in Draft Policy STR/CA1. It is considered that the Council has failed to provide an appropriate strategy which seeks to meet the Borough's development needs, especially with respect of housing.

Draft Policy STR/CA 1 sets out the Plan's ambitions in respect of Capel which is based on the provision of a new garden settlement at Tudeley Village, which will deliver approximately 2,800 dwellings and a range of associated services and infrastructure over the plan period and beyond, and to accommodate approximately 2,060 dwellings on land at east Capel as part of the extension to Paddock Wood.

The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

The over-reliance of the site within the trajectory need not be terminal however. The solution would be to ensure that any delivery from Tudeley were assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from

a Green Belt perspective. In the intervening time, further sites such as the already well contained site at Tolhurst Road should be added to offset the loss of the housing relied upon in the earlier stages of the delivery plan period.

Such an approach would also support the wider strategy and general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area with a single larger development. For this reason the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements is strongly disagreed.

In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt.

In this case, land at Tolhurst Road provides a logical opportunity in helping to meet identified housing needs and could provide for development which would be well-contained on the edge of the existing settlement, resulting in sensible and organic growth. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

Summary

Taking the above into consideration, it is considered that Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, it is not considered that there is any evidence which exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed, including the release of smaller land which would result in a more sustainable pattern of growth in Capel at Site 143 - Tolhurst Road.

There is support for the principle of the plan-led system and in setting out our representations upon these policies, it is hoped that the Council can work with this Agent between now and the formal submission of the Draft Local Plan pursuant to Regulation 22 of The Town and County Planning (Local Planning) (England) Regulations 2012 (as amended), to ensure the Local Plan satisfies the tests of soundness at paragraph 35 of the NPPF.

Question 6

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As set out within comments provided by FHL in relation to draft Policy STR1, the proposed trajectory of housing delivery at Tudeley in particular is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic. It is considered that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer term aspirations that will extend beyond 2038.

Given the above, FHL objects to draft Policy STR/CA 1 in its current form and has requested that Inset Map 7 is amended to incorporate land at Tolhurst Road, and a modification as set out below, in order to ensure that TWBC is capable of meeting its need in full during the period of the Plan and the

development strategy responds pragmatically but sensitively to the Borough's principal constraints, namely the High Weald Area of Outstanding Natural Beauty (AONB) and the Metropolitan Green Belt.

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:

Fernham Homes Limited is promoting Land at Tolhurst Road, Five Oak Green, for development and is seeking changes to Draft Policy STR1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes to it as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

FHL supports the general thrust of the Sustainability Appraisal (SA) insofar as it substantiates the preferred development strategy as being preferable against the reasonable alternatives. The SA examines a number of scenarios for the distribution of growth across the Borough including, critically, a scenario which would meet full housing need but does not involve Green Belt release. This scenario (Growth Strategy 6) demonstrates that no Green Belt release would involve major strategic growth at a number of the Borough's rural settlements including those within the AONB thus demonstrating that some Green Belt release is necessary in order to deliver a sustainable pattern of development. We note that no scenario has been tested that would see full housing need met in areas completely outside the AONB. However, this would clearly involve similar major strategic growth in rural settlements by obviating the contribution of Royal Tunbridge Wells and Southborough to meeting housing needs or else by generating excessive reliance on strategic expansions to Paddock Wood and Tudeley Village, which would most likely need to be enlarged. The SA therefore substantiates the need to deliver some growth within Green Belt and AONB.

We note that failure to meet standard housing need by avoiding the AONB or the Green Belt were accompanied by significant negative scores in relation to the delivery of new housing and economic development, as would be expected. We also noted scenarios that would see significant concentrations of growth within the AONB associated with significantly negative environmental effects particularly as regard to landscape, once more as expected. As a result, the SA supports the key limbs of the preferred development strategy of meeting full housing need and reducing the scale of development within the AONB from the Draft Local Plan as against the reasonable alternatives. However, the preferred spatial strategy (i.e. Growth Strategy 13) would still result in the concentration of significant development within the AONB alongside significant Green Belt release to accommodate a new settlement and the transformational expansion of Paddock Wood. The contribution by urban and brownfield land has also been maximised to the reasonable extent possible. As a result, the preferred development strategy is finely balanced and whilst noting since the Regulation 18 consultation the quantum of development has been decreased in some smaller rural settlements beyond the Green Belt and AONB, it is not

practical to do so further without resulting in negative environmental effects and/or compromising the deliverability of the development strategy.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_34

Comment

Agent	Mr David Bedford [REDACTED]
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Company / Organisation	DHA Planning Ltd
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Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_511
Response Date	26/05/21 09:24
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Question 4a

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Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Fernham Homes (hereafter referred to as 'Fernham') in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

1.1.2 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.1.3 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.1.4 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance. However, for context, we first provide an overview of the land within Fernham's

control, which was included in the Regulation 18 Draft Local Plan as an allocation (draft policy AL/CRS 6) for residential development (Known as 'Gate Farm, adjacent to Hartley Road and Glassenbury Road, Hartley (plus Bull Farm) (SHELAA reference: Sites 59, 70, 323 & 345, and Late Site 53)' but subsequently omitted from the pre-submission draft.

1.1.5 Based on the current national and local planning context, we object to the site's omission, which was not based on sound planning grounds but as a basis to help defend against a s78 planning appeal. The outcomes of that appeal, and the commentary of the Inspector, provides a clear basis to conclude that the land is a suitable location for proportionate plan led growth.

1.1.6 Fernham Homes hope to work with the Council to agree a revised proposal. In the interim, these comments explain why we are concerned about the manner in which some sites have been omitted from the plan making process.

1.2 Land at Gate Farm, Hartley Road, Hartley (Cranbrook)

1.2.1 The site to which this representation relates is located on the northern side of Hartley Road/A229 and is approximately 1.48 hectares in area. It is located to the south west of Cranbrook outside built confines but adjacent to the built up area of Hartley.

[TWBC: to view site plan see full representation attached].

1.2.2 The land sits immediately adjacent to residential development to the north and commercial buildings are located on the west side of Glassenbury Road. The site falls entirely within the High Weald Area of Outstanding Natural Beauty AONB.

1.2.3 There are several listed buildings in the vicinity of the site, including:

(i) Hartley Gate Farmhouse (Grade II listed);(ii) Hartley Farmhouse (Grade II listed);(iii) Bull Farm House (Grade II listed); and(iv) Barn 50 Yards North of Bull Farmhouse (Grade II listed).

1.2.4 The surrounding area is characterised by the settlements of Hartley and Cranbrook, residential development with in and around those settlements, commercial developments, farmsteads and agricultural buildings as well as open agricultural land.

1.2.5 To the northeast are residential properties. Opposite the site is the well-established Hartley Dyke Commercial Centre, consisting of Juniors Day Nursery, the Hartley Dyke Coffee House and Farm Shop and several other commercial premises.

1.2.6 In terms of public transport, there are two bus stops located approximately 160m to the east of the site providing a service to Maidstone Town Centre, Loose, Staplehurst, Cranbrook and Hawkhurst. Staplehurst, approximately 10km to the north of the site, provides a regular train service to London, with up to 3no. trains per hour in peak periods (travel time under 1 hour to London Charing Cross and Cannon Street).

1.2.7 The site is not subject to any wider policy designations. The Environment Agency mapping also confirms that the site does not fall within a flood risk zone.

1.2.8 A high pressure water main and overhead power lines run through the site and represent design constraints.

1.2.9 The Hartley Road frontage of the site has been subject to previous smaller scale development proposals as follows:

- 84/00175/OUT - Outline application for 8 semi detached dwellings -Refused; and• 96/00283/FUL - 3 Detached dwellings – Refused. • 17/00795/FULL - Demolition of four derelict agricultural buildings and construction of four detached dwellings with associated parking, landscaping and access from Hartley Road (Withdrawn 08/02/18 following publication of officer's recommendation to refuse in advance of Planning Committee meeting).

1.2.10 The area immediately east of the site, between the built up area and Hartley Gate Farmhouse, has been subject to a planning appeal (APP/M2270/W/18/3203543) for the erection of 8 homes. The appeal was dismissed, but in doing so the Inspector narrowed the sole issue to the effect of the proposed vehicular access on highway safety (i.e. it was suitable in all other respects). The Inspector endorsed the principal of development and had no issue with the impacts of that scheme on the AONB, the character and appearance of the area and on settlement morphology.

1.2.11 Given the suitability of Fernham's land, an outline planning permission was progressed for 27 new homes and registered under Tunbridge Wells planning application reference 19/02170/OUT. However, this application was refused by Tunbridge Wells Borough Council for seven reasons:

(1) The development would cause significant harm to the rural character of the area, would have more than a minimal impact on the landscape character of the locality, would have a detrimental impact on the landscape setting of Cranbrook and would fail to conserve and enhance the special character of the High Weald Area of Outstanding Natural Beauty. It is therefore contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, the aims and objectives of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework 2019(2) The application fails to demonstrate that safe and suitable access to the site can be achieved for all users. It is thereby in conflict with Part 9 of the National Planning Policy Framework 2019, and saved policy TP4 of the Tunbridge Wells Local Plan 2006.(3) There is insufficient evidence to demonstrate that the proposal can result in a net gain in biodiversity. The proposal is thus contrary to Para 170 the National Planning Policy Framework 2019(4) The proposal would harm the setting of nearby listed buildings. It is not considered that there are sufficient public benefits, or any other material considerations, that outweigh this harm. The proposal is thus contrary to saved policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and the National Planning Policy Framework 2019(5) The proposal would not provide developer contributions towards Secondary Education, Youth Provision and the Cranbrook Hub projects to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019, the Planning Practice Guidance, Core Policy CP1 of the Tunbridge Wells Core Strategy 2010 and Policies CS4 and R2 of the Tunbridge Wells Borough Local Plan 2006.(6) The proposal would not provide affordable housing within the proposed development. It would therefore conflict with the National Planning Policy Framework 2019, Core Policy 6 of the Tunbridge Wells Core Strategy 2010 and the Affordable Housing Supplementary Planning Document.(7) The proposal would not provide developer contributions towards new single premises for the three General Practices located in Cranbrook to mitigate the impact of the proposal. It would therefore conflict with the National Planning Policy Framework 2019 and Core Policy CP1 of the Tunbridge Wells Core Strategy 2010.

1.2.12 Not only did the Council refuse this application, but in seeking to defend the appeal the site was also removed from the Local Plan pre-submission draft.

1.2.13 An appeal was subsequently lodged (Appeal Ref: APP/M2270/W/20/3247977) during the life of which reasons for refusal 5 to 7 were resolved prior to determination (through the provision of a suitably worded Section 106 Legal Agreement). Reason for refusal 3 was also overcome as a result of providing further ecology information and a further commitment within the Section 106.

1.2.14 The main issues for the appeal (and so wider site suitability) were narrowed to:

(1) The impact of the proposed development on the character and appearance of the area including landscape character and the AONB;(2) Highways safety; and(3) Heritage harm.

1.2.15 The appeal was dismissed in February 2021, but in doing so the Inspector provided clear findings on a number of key matters that were in dispute and formed the basis for deleting the allocation. We summarise these findings below. A full copy of the appeal is included as Appendix 1.

Heritage

1.2.16 Paragraphs 50 to 64 directly responded to the heritage evidence, with the Inspector ultimately endorsing the appellant's evidence that heritage harm would be restricted to Hartley Gate Farmhouse only and in the less than substantial range. The Inspector rejected harm to wider assets. At paragraph 150 he concluded:

'Given the relatively low level of harm I have found in relation to the farmhouse and the significant housing and other positive attributes I have identified from the scheme, I find the heritage harm arising would be outweighed by the public benefits identified. Accordingly, the Framework does not provide a clear reason for refusing the development proposed in this specific regard'.

1.2.17 In our opinion, the Inspector provided a very clear conclusion that reason for refusal 4 was not a reasonable basis to withhold consent, nor did it provide a clear basis for disengaging the presumption in favour of sustainable development. As such, we consider the over estimation of heritage impacts contributed to an otherwise suitable allocation being omitted from the pre-submission plan.

Access and Highway Safety Matters

1.2.18 Paragraphs 65 to 88 of the appeal directly responds to the highway evidence. The Inspector's summary of highway matters stated:

'86. The A229 is a busy classified road. It reflects the accompanying dangers and relatively harsh pedestrian environment that might be expected, and improvements can always be made. Nevertheless, the evidence presented demonstrates the local highway network has no particular design flaws, and is capable of withstanding the relatively modest increase in vehicle and pedestrian movements that would arise from the scheme without incurring further undue additional risks or inconvenience. I also note possibilities for further detailed refinements to the scheme, particularly in terms of facilities for pedestrian movement, and which were discussed at the Inquiry in relation to a possible planning condition should the appeal be allowed.

87. The Framework requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence against the proposed scheme falls significantly short of such a threshold.

88. I therefore conclude that the proposal would provide safe and suitable access for all users and would not be contrary to Policy TP4 of the Local Plan to the extent that it seeks, amongst other things, to ensure that proposals provide a safely located access with adequate visibility and that the traffic generated by the proposal would not compromise the safe and free flow of traffic or the safe use of the road by others'.

1.2.19 In our view, the Inspector provided a very clear conclusion that reason for refusal 2 was not supportable nor a reasonable basis to withhold consent and that the access was suitable for the quantum of development proposed. As such, we consider the dismissal of the site on highways grounds also wrongly contributed to the site being omitted from the pre-submission plan.

Location

1.2.20 At paragraph 117 the Inspector confirmed that the scheme enjoys a moderately sustainable location. Paragraph 124 also acknowledges that the Framework requires that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. The scheme was deemed to be consistent with this aim and so modest weight was attached to these economic factors as a benefit.

Major Development

1.2.21 At paragraph 155 the Inspector confirms that the appeal scheme was not 'major' development.

Landscape Impact

1.2.22 Having regard to the above, reasons for refusal 2 to 7 were either overcome or dismissed by the Inspector. The only matter between parties relates to reason for refusal 1 and the associated impact upon the AONB.

1.2.23 In considering the conclusions, at paragraph 42, the Inspector is clear that the site may have potential for reintroduction of some sensitive built form, albeit a better balance has to be struck in relation to the legibility and distinctiveness of the AONB.

1.2.24 At paragraph 49 he concludes that the scheme would, by virtue of the extent of built development proposed (rather than principle) would be significantly harmful to the character and appearance of the appeal site and its surroundings.

1.2.25 In summary, all of the above commentary provides a clear basis to suggest that a revised scheme could integrate within the AONB setting. The Inspector stopped well short of concluding the site was unsuitable for development per se and as such we consider the deletion of the site, and subsequent impact it has had on evidence base and thus it is neither justified nor positively prepared.

1.2.26 We explain the wider relevance of the site being wrongly omitted in the context of the wider strategy within the subsequent sections of this representation.

Place Shaping Policies

1.3.85 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

1.3.86 Policy STR/CR1 sets the proposed strategy for Cranbrook and Sissinghurst parish and states that Approximately 415 to 429 net new dwellings will be allocated. This represents a substantial reduction on the 718-803 new dwellings that were proposed as part of the Regulation 18 plan. Furthermore, the draft allocations for Hartley have been removed in their entirety.

[TWBC: for extract of proposed proposal map for Cranbrook see full representation attached].

1.3.87 Based on the above context, the place shaping aspects of the strategy are unsound and require modification, including the redistribution of housing proposed at Tudeley to genuinely deliverable sites like our client's land at Hartley that is not major development and is not requiring of an 'exceptional circumstances' case for the land to be released.

1.3.88 As outlined above, Hartley is a moderately sustainable location as found by the Inspector during the course of the recent appeal. Indeed, it is situated within the heart of the hamlet of Hartley and in close proximity to the range of services available in Cranbrook.

1.3.89 The site benefits from good access to public transport links. The bus stops in closest proximity to the site are located on the A229 Hartley Road, approximately 3 minutes' walk to the south of the site access. From these bus stops, Routes 5 and 349 are accessible providing links to Maidstone and Hastings. Further bus stops are located approximately 5 minutes' walk to the north of the site access, again on the A229 Hartley Road. In addition to Routes 5 and 349, Routes 267 and 268 can also be accessed providing links to Tonbridge and Tunbridge Wells. Accordingly, there are opportunities for access to services and facilities without reliance upon private vehicle.

1.3.90 Staplehurst Railway Station is located approximately 11km to the north of the site (via the A229 Hartley Road), equating to a 14-minute drive. From this station, destinations including London Charing Cross, Tonbridge, Ramsgate and Dover Priory can be accessed, with trains departing to and from London up to six times per hour during weekday peak periods. Additionally, Etchingham Railway Station is located approximately 12km to the west of the site by road and provides access to regular train services between Hastings, Tunbridge Wells and London.

1.3.91 Within the vicinity of the site, there are a number of Public Rights of Way (PRoW) provided, as shown in Figure 2 2 of the supporting Transport Statement [CD6.10]. These routes provide safe, pleasant off-carriageway access to the surrounding countryside. National Cycle Route 18 routes along Park Lane and Water Lane, approximately 1.1km to the south of the site access. This route provides a link between Canterbury and Tunbridge Wells, via Ashford and Tenterden.

1.3.92 In addition to transport linkages, there is access to services by foot. Hartley Farm House and Coffee Shop are accessible from the site in under a five-minute walk. Additionally, a number of services and amenities can be accessed in nearby Cranbrook. These services include further public transport facilities, a supermarket, places of worship, primary and secondary schools, a doctors' surgery, dental practices, banks, a pharmacy, a post office and several public houses. Cranbrook can be accessed via a 25-minute walk, a 6-minute cycle, a 9-minute bus journey or a 4-minute drive.

1.3.93 From a wider perspective, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These being economic, social and environmental objectives.

1.3.94 In this respect, the site is suitable, sustainable, available and deliverable for development, and would help contribute to the borough's immediate housing need in a timely manner. Household expenditure generated by future residents will help to support economic activity locally and help to sustain the jobs and services within the local area. The new dwellings will also contribute to the public purse in respect of Council Tax and the New Homes Bonus. The scheme will also be capable of contributing to local services and infrastructure.

1.3.95 The site has the opportunity to provide for a quality residential development to meet the needs of the local population. The proposed development can provide circa 25 additional homes (40% of

which would be affordable) to meet this supply and therefore can positively contribute towards the social role identified in the NPPF. This includes a policy compliant mix of market and affordable units.

1.3.96 Having regard to these matters, we challenge the LPA's deletion of the site. Paragraph 103 of the NPPF is clear that the planning system should actively manage patterns of growth and development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The close proximity of the site to Cranbrook and the services offers residents far greater access to facilities than many of the smaller rural settlements that have defined LBD such as Benenden, Brenchley and other tier three settlements. Accordingly, in a boroughwide context, the appeal site is sustainable.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

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.

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_1657
Response Date	04/06/21 14:27
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

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 consistent with national policy

Question 5

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These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., who seek to support the site currently drafted for providing housing and a significant community facilities at Sissinghurst (under Policy STR CRS 1), subject to important modifications which ensures the viable delivery of the site.

[TWBC: Above comment from covering email]

Fernham Homes Limited (FHL) is promoting land south of The Street, Sissinghurst ("the Site") for residential development and a new village hall. It is welcome that the Pre-Submission Local Plan ("the Plan") proposes to allocate this site for development and it is in this context that FHL wishes to express its general support for the Plan's strategy for Sissinghurst.

Draft Policy STR/CRS 1 sets out the Plan's ambitions in respect of Sissinghurst which is based on the provision of 38 new dwellings over the plan period. Paragraph 5.277 says Sissinghurst is identified as having some growth potential, which is regarded as commensurate with its services and constraints, also following testing of higher development levels. FHL supports the apportionment of this level of growth to the village as it will help deliver the Plan's strategic objective of improving infrastructure, local services and amenities in line with community needs and to ameliorate the loss of Green Belt and encroachment within the Area of Outstanding Natural Beauty in order to meet development needs.

As the Draft Policy recognises, development in Sissinghurst brings the need to mitigate impacts on local infrastructure including recreation provision. We consider that these requirements have been informed by a comprehensive understanding of local infrastructure needs as set out in the Infrastructure Delivery Plan (IDP). However, as is recognised within paragraph 5.282 of the Plan's supporting text, it is also proposed that St George's Hall at Sissinghurst is re-provided as part of Policy AL/CRS 6 Land south of The Street, Sissinghurst (the site area includes St George's Hall), which requires a replacement community hall as part of the delivery of the site allocation. FHL suggests that wording of this Paragraph

should be reconsidered as the intention, following lengthy discussions with the Parish Council and St Georges Institute, is not to re-provide this same facility, but to provide new facilities of an altogether different and improved offering.

In addition to providing the land for the new village hall, the Site can also provide a proportionate capital contribution. However, for the reasons set out in FHL's representations to Draft Policy AL/CRS 6, in the event that the requirement for providing 30 percent affordable housing were not to be deleted in order that an independent and site-specific viability considerations can be taken into account as part of any planning application, it is strongly considered that other sites that are being brought forward in Cranbrook and Sissinghurst should also provide financial contributions towards the hall's construction in order to mitigate the impact of these sites on community provision.

To support this contention, FHL would note that the Borough Council has already secured a financial contribution towards the provision of a new village hall at Horsmonden under planning permission reference 18/01976/FULL in relation to 49 dwellings at Gibbet Lane/Furnace Lane, Horsmonden. The relevance of this is that those contributions were sought despite another site in Horsmonden also being allocated with the criterion that a village hall would be provided. Therein lies the same principle point as at Sissinghurst, that the burden of costs associated with the provision for the community facility should be shared (or 'pooled') across development sites within the same area, unless the provision for the community facility is required in order to make the development acceptable in planning terms. In which case the viability of other obligations, including that of affordable housing provision should also be accounted.

Given the above, FHL has requested a modification to Draft Policy STR/CRS1 as set out below to recognise the need for a new village hall and requirement for sites coming forward in the village to contribute towards its provision, to be applied only in the event that the requirement for providing 30 percent affordable housing were not to be deleted from draft Policy STR/CRS1, in order that an independent and site-specific viability considerations can be taken into account as part of any planning application.

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.

Criterion 9. Seek developer contributions, either in kind (normally land) and/or financial, from residential schemes to be used towards the provision of:

g. a new Sissinghurst village hall and associated parking.

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:

Fernham Homes Limited is promoting Land South of The Street, Sissinghurst for development and is seeking changes to Draft Policy STR/CRS 1. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to this Draft Policy and to articulate its case for suggested changes as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Gary Mickelborough [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Bloomfields
Address	[REDACTED] PADDOCK WOOD [REDACTED]
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes (1231813)
Comment ID	PSLP_1654
Response Date	04/06/21 14:27
Consultation Point	Policy AL/CRS 6 Land south of The Street, Sissinghurst (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Fernham Homes Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Bloomfields Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 6 Land south of The Street, Sissinghurst

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
- . It is not consistent with national policy

Question 5

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These representations are submitted on behalf of our esteemed clients and local housebuilders Fernham Homes Ltd., who seek to support the site currently drafted for providing housing and a significant community facilities at Sissinghurst (under Policy STR CRS 1), subject to important modifications which ensures the viable delivery of the site.

[TWBC: Above comment from covering email]

Fernham Homes Limited (FHL) is promoting land south of The Street, Sissinghurst ("the Site") for residential development and for a new village hall. It is welcome that the Pre-Submission Local Plan ("the Plan") proposes to allocate this site for development and it is in this context that FHL wishes to express its general support for Draft Policy AL/HO2, as elaborated in our further representations to the policy. However, there are several detailed requirements set out by Draft Policy AL/HO2 which are unsound for want of justification, effectiveness, and consistency with national policy thus requiring modification. The reasons for this are set out below:

The Policy seeks to allocate the Site for providing 'approximately 20 dwellings, of which 30 percent shall be affordable housing', together with the provision of a replacement village hall and associated parking.

FHL remains fully committed to providing land on the Site for a new village hall as well as a proportionate capital contribution towards its construction, as part of a housing development. However, the size and nature of the new village hall and therefore its land take is still the subject of discussion with the local community and it is not justified at this stage for the Plan to pre-empt the costs of the land and build required for it.

FHL has commissioned a comprehensive Framework Plan which has been informed by a full understanding of the Site's opportunities and constraints. The Framework Plan demonstrates how 20 dwellings and a new village hall can be provided on the Site in a manner that fully respects the local character and context as well as the detailed requirements of Draft Policy AL/CRS 6.

As a general strategic point, it is essential to the overall soundness of the Plan that it demonstrates it has exhausted the possibility of directing proportionate growth towards sustainable sites outside of the Green Belt and Area of Outstanding Natural Beauty (AONB). Optimising the potential of sites that have been allocated in this area is vital to ensuring that encroachment into the Green Belt and AONB is minimised.

Criterion 1 - Vehicular access into the site to be informed by a highways assessment, to include provision of adequate visibility splays within the site and/or on highway land

FHL is working with the Parish Council at St George's Institute and would like to provide assurance that all land required for the delivery of the Site and adequate visibility splays is now entirely within the control of the developer.

As a moot point, Paragraph 5.331 of the Pre-Submission Local Plan says 'there is currently a lack of vehicular access into the site'. Whilst it is agreed that a new access will be required to facilitate development, it is not true to say that there is a lack of vehicular access, as the existing double garages and St George's Hall are both served by existing accesses.

Criterion 3 - Development to have regard to the setting of the Sissinghurst Conservation Area and nearby listed buildings

The vast majority of the Site is not visible from the nearby Sissinghurst Conservation Area or nearby Listed Buildings. However, it is agreed that the Site is visible from public vantage points within the Sissinghurst Conservation Area, and therefore it is sensible that regard is had to the setting of the CA. It is worth noting that Paragraph 5.333 of the Pre-Submission Local Plan says 'there are listed buildings adjacent to the site'. Whereas the boundaries of the site are known to abut the boundary of the curtilage of only one listed building (singular).

Criterion 6 – Provision of replacement village hall and associated parking

FHL remains committed to working with the local community to play its part in the delivery of a new village hall. Village Hall proposals are at an advanced stage, with public consultation to commence in due course. It is clear from work carried out to date that the requirement is not for a replacement of the existing St George's Institute with a similar facility, but a requirement to deliver a completed new, larger and improved village hall facility. Associated parking provision will also significantly increase above that which is currently provided.

The inclusion of this Criterion is supported in principle and the provision of these facilities should be paramount as part of any development brought forward. However, there are strong viability which indicate that the Site would not be able to deliver both the new facilities required plus a 30 percent affordable housing provision. It is strongly considered that the viability merits of the Site must be considered in detail at the planning application stage.

By virtue of the requirement for providing 30 percent affordable housing, in addition to the site-specific requirement for providing a new village hall, it is considered that Policy AL/CRS6 fails to achieve this, and for that and the above reasons the requirement for providing 30 percent affordable housing should be deleted in order that an independent and site-specific viability considerations can be taken into account as part of any planning application.

Criterion 8 - A suitable legal mechanism shall be put in place to ensure that the provision of the replacement village hall is tied to the delivery of the housing, at a suitable stage of the development, to be agreed at the planning application stage

Whilst the Site can provide the necessary land and an appropriate capital contribution for a replacement village hall to be secured through legal agreement at suitable trigger points, it is clear that the costs associated with the provision of the new village hall facilities and associated parking could not be accounted for at this early stage of the Plan-making process. It is important that any planning obligations, as well as being necessary to make the development acceptable in planning terms, must also directly relate to the development proposed and be fairly and reasonably related in scale and in kind to it (National Planning Policy Framework, paragraph 56).

However, it is strongly considered that it is not appropriate that the Site is required to both make a provision for the new village facilities and also provide a substantial provision for affordable housing. There are strong site-specific viability grounds which demonstrate that the provision of both affordable housing and a new village hall will make the site unviable.

Whilst FHL is completely behind this and committed to providing this improved facility, in this instance, the new village hall will not only benefit future residents of the Site, but also the village at large and other sites that have been allocated around Cranbrook and Sissinghurst.

Therefore, in the event that the requirement for providing 30 percent affordable housing were not to be deleted in order that an independent and site-specific viability considerations can be taken into account as part of any planning application, it is strongly considered that other sites that are being brought forward in Cranbrook and Sissinghurst should also provide financial contributions towards the hall's construction in order to mitigate the impact of these sites on community provision.

As set out in FHL's representations to Draft Policy STR/CRS 1 (The Strategy for Cranbrook and Sissinghurst parish), this should be expressly recognised within the Plan as well as in Draft Policy AL/CRS 6. We propose that this clause is altered in accordance with the schedule of proposed modifications below in order to make Draft Policy AL/CRS 6 consistent with national policy.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

This site, as defined on the Cranbrook and Sissinghurst Policies Map, is allocated for a mixed use scheme, including residential development providing approximately 20 dwellings, ~~of which 30 percent shall be affordable housing, (or) unless otherwise demonstrated to be viable,~~ and a replacement community hall

Criterion 6 - Provision of ~~replacement~~ new village hall and associated parking

Criterion 9 - Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/CRS 1, and taking into account the viability of the delivery of the development, together with the provision of the new village hall facility and associated parking.

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:

Fernham Homes Limited is promoting Land South of The Street, Sissinghurst for development and is seeking changes to Draft Policy AL/CRS 6. Fernham Homes Limited requests participation in the hearing sessions in order to contribute to discussions in relation to the Site and to articulate its case for why for modifications are necessary for the soundness of Draft Policy AL/CRS 6, as well as to address any relevant points raised by the Local Planning Authority, the Inspector or by stakeholders.

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_34

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Fernham Homes [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Fernham Homes [REDACTED]
Comment ID	PSLP_532
Response Date	26/05/21 09:24
Consultation Point	Section 6: Development Management Policies (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_509-511_DHA Planning for Fernham Homes.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Fernham Homes
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.

Development Management Policies

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_509 (Vision and Objectives), PSLP_510 (Section 4: Policy STR1 - the Development Strategy), PSLP_511 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish; PSLP_532 - Development Management Policies and PSLP_533 - Legal Compliance and Duty to Cooperate].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Fernham Homes (hereafter referred to as 'Fernham') in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation.

Development Management Policies

1.3.97 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.3.98 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.3.99 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.3.100 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.3.101 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction.

Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to provide clear direction to the user.

1.3.102 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF and should instead feature within a supporting SPD not policy.

1.3.103 Turning to housing policies, policy H2 states that development should make efficient use of land, having full regard to the context of the site, including its character, landscape setting, topography, surrounding built form, and access to infrastructure and services.

1.3.104 In our view, this policy adds nothing beyond the advice contained in the NPPF and therefore adds little. It also goes against the principle of preparing succinct Local Plans.

1.3.105 Policy H3 sets out affordable housing requirements. Whilst we support the general thrust of the objectives and the securing of affordable provision, we object to the rounding up of the calculations and contributions being based on a net rather than gross number of units. For small scale proposals this will often see the proposed percentage increase to closer to 45% and 35% respectively. Such thresholds would therefore need to be tested and justified by evidence. A pragmatic approach would be to apply traditional rounding up or down.

1.3.106 The phasing of affordable provision also needs to be sufficiently flexible so as to not prohibit wider delivery. In this regard, we consider that entering into contract with a registered affordable prior ahead of the 50% occupation should provide the certainty of delivery, but without risking a wider delay in market delivery. The timing of affordable delivery should also be dictated by scale, size and type of site.

1.3.107 The Council will be aware of wider country wide discussions regarding the viability of providing social rented accommodation as part of a wider offer. Such provision is becoming increasingly difficult and without robust policy in place that addresses this matter, this matter is likely to significantly slow delivery.

1.3.108 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

1.3.109 Finally, paragraph 6.335 has regard to development viability and places the onus on the Developer to demonstrate the 'price paid for land' when testing viability. It also requires applicants to factor in on site mitigation measures as well as measures to mitigate the impact of development. By way of response, viability assessments should be based upon Benchmark Land Value in accordance with the NPPF/NPPG guidance. Furthermore, the detailed constraints and infrastructure needs are not always known at the outset, nor is it possible to make informed decisions on mitigating matters such as biodiversity net gain until late in the development process. As such, viability cases must be assessed in an open manner based on the merits and unique circumstances of the sites on their own merits. Failure to recognise this means that the plan is neither positively prepared nor effective.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Fernham Homes in response to the Tunbridge Wells Borough Council Pre-submission Local Plan development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to the exclusion of our client's land at the late stage of the process, the deletion of which is unsubstantiated and based on unsound conclusions. Furthermore, we object to the reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

Question 6

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1.3.108 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mrs Jill Field [REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Jill Field [REDACTED]
Comment ID	PSLP_855
Response Date	26/05/21 14:13
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jill Field
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_855 and PSLP_856]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new

primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mrs Jill Field [REDACTED]
Address	[REDACTED] [REDACTED] Benenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Jill Field [REDACTED]
Comment ID	PSLP_856
Response Date	26/05/21 14:13
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jill Field
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_855 and PSLP_856]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new

primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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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	Katharine Findlay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Katharine Findlay [REDACTED]
Comment ID	PSLP_1920
Response Date	04/06/21 10:29
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Katharine Findlay
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not 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.

I have lived here in Capel for 18 years. We came down from London to live in a quiet village atmosphere surrounded by beautiful countryside. We worked here for 7 years and now are enjoying our retirement surrounded by farmland and enjoying friends in the area.

We have noticed a build up of traffic here, which alarms us. Flooding has happened quite a few times in Five Oak Green. The proposed development is overwhelmingly inappropriate for our rural location. Including the Paddock Wood and East Capel (Policy STR/SS1)

Environment

This area is green belt land, which is so important to keep. This is an area of outstanding natural beauty. The level of housing proposed would destroy the area and take away our enjoyment of the green spaces, walking, watching nature and peacefulness.

Transport/ Road

As public transport is poor, our roads are totally inadequate for more traffic. The proposed road - "Five Oak Green bypass" will mean the village is divided , and some villagers will be unable to walk to the only shop and will also be a barrier to community life.

Question 6

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The plan for such a large town on green belt land in such a delicately balanced rural environment seems a rushed proposal to please the governments targets and not local needs.

Have brown sites been considered or other land with good infrastructure in place already.

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	Jennifer Finnimore [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Jennifer Finnimore [REDACTED]
Comment ID	PSLP_282
Response Date	29/05/21 13:38
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Mrs Jennifer Finnimore
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy AL/HA 5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

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The removal of Site 413 from the Local Plan was followed by reinserting a part of it (the 'Site' at 0.79 acres) to take a medical centre, all within a very few weeks at the start of this year and with no consultation. This does not seem to fulfil the LPA's 'duty to cooperate'.

Traffic flows along Rye Road are only getting progressively worse with the passage of time and KCC Highways have already stated that the Hawkhurst crossroads is at full capacity. The proposed medical centre would not only incorporate the village's two doctors' surgeries but would also contain other medical facilities. There are indications that car parking for over fifty cars would be needed on site. Patients living on the other three sides of the crossroads away from Rye Road would most likely drive to the centre given that the Site is a good ten minutes' walk from the crossroads. The result would be an increase in traffic flow along Rye Road and severe congestion on Birchfield Grove which is a twisting road initially designed to service 26 houses (which were sold to the buyers on that basis). On these considerations the Policy is not sound, not positively prepared and not justified.

The Site is on top of the ridge on which most of Hawkhurst stands and dominates the countryside to the north. This is a particularly beautiful part of the AONB and the siting of the medical centre here with a large car park would be a discordant feature, not to say a blight, on the landscape. In 2014 an appeal relating to an application to build houses in this area, then called Site 64, was dismissed citing the damage that would be done to the AONB (13/00014, 14 April 2014). The same principles apply now as they did in 2014. King George V Playing Fields had appeared in the Local Plan with provision for a medical centre until that was changed, again without consultation, earlier this year. This site is much more appropriate to host a medical centre given that the site could accommodate this in addition to the community centre planned in the same area and given too that damage to the AONB would be much less since it is already somewhat developed and has a much less commanding view of the surroundings. Given that a better alternative exists, there are no 'exceptional circumstances' that would justify the Policy. On AONB considerations, therefore, the Policy is not sound, not positively prepared and not justified. Nor is it consistent with National Policy given the conditions set out in Section 15 of the National Planning Policy Framework.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at

examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The only modification that could make the Local Plan compliant and sound in relation to Policy AL/HA 5 would be its removal from the site proposed and siting it at King George V Playing Fields.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicholas Fisher [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Nicholas Fisher (1235108)
Comment ID	PSLP_1943
Response Date	04/06/21 12:06
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (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	Nicholas Fisher
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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I have lived at The Old Vicarage with my family since 1998 and remain appalled at the continuing proposals for Tudeley Village and TWBC's apparent disregard in the PSLP to the widely and strongly held opposition to the unsound possibility of "Tudeley Village". This response relates to site allocation.

Section 8 of the Sustainability Analysis (Potential Development Sites) shows that Plot 440 is classed a reasonable alternative site within Table 49 and Figure 12 but is not covered at all within Appendix H so is excluded for no reason and no analysis or reasoning for that has been put forward by TWBC.

I am the joint owner of The Old Vicarage and its land, all of which forms Plot 440. There is no logical or coherent reason why this 3.5 acre/1.41 hectare site should not have been allocated for development in the PSLP. It is large enough to provide a yield of over 10 dwellings and possibly in excess of 30 (see the SHELAA referred to in the strategic assessment undertaken by TWBC). It has good access on two sides (east and north) of the plot direct onto the B2017 and new entry/exit road entrances could be made onto this site. For the plot to be not allocated appears to be in breach of TWBC methodologies, possibly because of TWBC's reliance on the draft Tudeley garden settlement proposal. It is also unclear why there is an insistence on 10 units per site; it might be preferable to spread small pockets of planned development of less than 10 units within existing settlements throughout the Borough, even within Capel Parish. Plot 440 is also well suited to such a smaller scale development as well.

Whether or not the proposal for the garden settlement at Tudeley (site SS3 in Sustainability Appraisal section 8 Figure 12) is accepted in whole or part, the current draft transport infrastructure proposal suggests that a large roundabout will be constructed at the junction of Hartlake Road and Tudeley Road/Crockhurst Street (B2017) which is likely to require some land to be taken from plot 440 (being land currently forming part of the Old Vicarage curtilage). It appears also to suggest widening of the B2017 between Tonbridge and two proposed junctions on the western and southern sides of the draft Tudeley garden settlement (see map 33 Transport Connections following s.5.229 of the PSLP). This proposed widening includes the entire section of the B2017 adjoining Plot 440 and is likely to require some land to be taken from it. No consultation about these proposals has taken place with the owners of plot 440.

Plot 440 falls on the perimeter of the AONB represented by the B2017. It adjoins the B2017 and is already impacted by traffic on the north and east boundaries of the plot that back onto the B2017. The views to open farmland and woods would be retained on the other two sides of the plot (west and south). The PSLP provides for a strategy to use AONB land spread across a number of settlements.

Whether or not the draft garden settlement at Tudeley is approved, housing could be provided on plot 440; it is inappropriate and unsound to permit or consider an initial development on site SS3 of up to

2,100 houses in the period to 2038 with potentially more to follow and to not permit development on plot 440. Part of that site SS3 is immediately opposite plot 440 and the planned road infrastructure in relation to that is going to impact negatively on plot 440.

If the garden settlement were refused, then plot 440 is still viable for development. The current transport infrastructure assists without additional cost as the plot is adjacent to the bus stop in Crockhurst Street opposite All Saints Church and opposite the bus stop at the Hartlake Road intersection. The plot boundary is next to the B2017 (see above). As is well known Tudeley is well placed for access to Tonbridge and the rail network, based on current road use. A permissive pathway exists that is accessed from the southern boundary of the plot and this leads to various footpaths and bridleways forming part of the High Weald network.

This site comprising plot 440 does not suffer from flooding and is within the existing urban settlement of Tudeley. It is not owned by the Hadlow Estate, although it adjoins Hadlow Estate land on all boundaries apart from the B2017 boundary.

It is noted that the proposed LBD has not been settled but why is the whole of the existing urban areas of Tudeley not incorporated? Plot 440 is within the land referred to as Option 3 in growth options for Tudeley in the Sustainability Analysis of February 2021 (see section 6.2.32 Figure 6 and Table 28). It is noted most of that option refers to land to the south and east of the current settlement and not the part of the existing hamlet where plot 440 is located. The rejection of growth option 3 appears unsound as in relative terms it scored as highly or better in some aspects than growth options 1 and 2. It is perverse that a draft proposal for a new settlement that radically changes an existing urban settlement excludes the whole of existing settlement as an area for limited building plots. As owners of plot 440 we are stakeholders in future infrastructure planning, assuming the draft garden settlement is approved in whole or part and should take part in discussions leading to future supplementary planning documents.

NOTE:

This response relates to the “not allocated” plot 440 of which I am joint owner (see above). I object to the unsound concept of the draft Tudeley garden settlement (a proposed town not a village within what PSLP describes as a small hamlet) and have made separate comments in relation to that. For the avoidance of doubt, the comments in this section/response are not to be taken or read as being supportive of the draft Tudeley garden settlement proposal; quite the opposite in fact.

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:

I have been a resident of Tudeley since 1998. The draft proposals for site SS3 directly impact my property. In addition to that I consider that due process has not been followed in relation to my own property as per my comments in section 5 above.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See section 5 above

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicholas Fisher [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Nicholas Fisher [REDACTED]
Comment ID	PSLP_1948
Response Date	04/06/21 12:06
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	Nicholas Fisher
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have lived at The Old Vicarage with my family since 1998 and remain appalled at the continuing proposals for Tudeley Village and TWBC's apparent disregard in the PSLP to the widely and strongly held opposition to the unsound possibility of "Tudeley Village".

The creation of a proposed garden village settlement at Tudeley resulting in the first instance in 2,100 dwellings in the period to 2038, will cause immense harm to the residents of the Parish of Capel and to the residents of Tonbridge. It is completely out of scale with the current pattern of habitation in Capel Parish and particularly so in the case of Tudeley itself where no new houses appear to have been built or permitted to be built since I moved here with my family in 1998. In its own words TWBC describes Tudeley as a "small hamlet".

The methodology and justifications used to promote a garden settlement on Site SS3 appear flawed. There is a reliance on site SS3 as one of 2 major developments to provide over 50% of the proposed housing for the period to 2038. Both this site and site SS1 are in Capel Parish with only 2% of the TWBC population. Capel Parish has 918 dwellings and the plans for sites SS1 and SS3 would increase this number by approximately 500%. Over half of those are planned for site SS3.

The PSLP and Local Plan are almost entirely dependent on the successful implementation of the proposed garden settlement in Tudeley and the expansion of Paddock Wood by building on East Capel. I believe the planned units comprise over 60% of the new housing requirement. If these sites fail to deliver, which is possible bearing in mind realistic timeframes for planning and so on, then the associated proposed infrastructure that is entirely reliant on developer capital would also never be realised. This appears to stack risk on risk, where both areas of development in Capel Parish are inextricably linked and the failure of one is likely to lead to the collapse of the other and as a result the whole plan would fail. This does not appear a sound basis on which TWBC should rely.

The plan preparation process suggested by the PSLP did not include the Tudeley site SS3 until after the Issues and Options Process in 2017. This means that the largest housing area in the proposed local plan did not go through most of the plan preparation process. A great deal remains unclear.

The Issues and Options process led to most people (60%) wanting a growth corridor led approach. Less than half wanted a garden settlement and that was at a time when it was not clear a garden settlement would involve destruction of Green Belt. Protecting Green Belt was a key priority for people who participated in the Issues and Options consultation. TWBC's own Green Belt study shows harm caused by the release of Green Belt as high.

Another purpose of Green Belt is to prevent urban sprawl but the PSLP shows site SS3 as creating a settlement that in effect stretches to the edge of the planned STR/SS1 at Paddock Wood thereby creating a small conurbation.

It is unclear from the methodology if the conclusions reached in the spatial strategy are justified. Frittenden and Horsmonden that both share similar characteristics to site SS3, as does the Blantyre site at Goudhurst, which is partially brownfield, have all been discarded.

Other significant potential sites for development, for example in the A21 corridor and also at Castle Hill have been rejected. Is it correct that the proposed settlement at Tudeley is the only reasonable place for an entirely new settlement? It appears insufficient attention has been paid to the brownfield sites available within the Borough.

Most people living in the proposed Tudeley settlement will drive 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, and not Tunbridge Wells or Paddock Wood, because Tonbridge is closer and more convenient.

It is foreseeable that people living in the proposed Tudeley settlement will use Tonbridge Station, rather than Paddock Wood, and Tonbridge town services will need more parking. The increase in traffic will be more than Tonbridge can cope with. The main roads in Tonbridge are already full at peak times and can't be made wider in most places.

The employment proposed within the Tudeley settlement is unlikely to be able support the income requirements of approximately 2000 individuals/families (using the unit numbers as a guide) and so it is inevitable that residents will be working elsewhere generating more road usage.

The road infrastructure is already inadequate to deal with the flow of current traffic. There will be a significant increase in traffic into Tonbridge from the B2017, exacerbating the extreme traffic congestion that exists on this road every morning and to a lesser extent in the early evening. The infrastructure proposals for the whole site are not certain and appear to be reliant on potential developer contributions. The necessary infrastructure for a viable settlement goes far wider than just roads. It is unclear how necessary infrastructure can be delivered and so the proposal for SS3 may not be viable.

There will be an increase in air, light and noise pollution that will spread across the boundary 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 Saints Church in Tudeley and the Hadlow Tower. The church at Tudeley may end up being surrounded by houses, commercial premises, bus lanes and sit next to a planned expanded B2017 with new roundabouts and junctions. That will cause great harm to its value as a heritage asset of world renown, due to the crowning jewel of its Marc Chagall windows that are unique to place and setting and represent the only installation of its type in the world. It is one of the most popular Churches in Kent by reference to visitor numbers. Planning new sight lines and other mitigation will never override the potential damage.

The draft garden settlement at Tudeley can never be conceived as one settlement as it is divided by a railway line that has two very narrow, weak crossings (one on a bridge, one under a bridge). Putting in larger crossings at two more points as per the draft infrastructure plan may be possible but it won't tie the two halves of the settlement together enough to make it one settlement. It appears that garden settlement principles may have not been followed in terms of local engagement and support. The overwhelmingly negative responses to the Tudeley garden settlement proposals in the Regulation 18 consultation are evidence of that.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Remove the draft plans and associated draft infrastructure plans for SS3 "(Tudeley Village)" from the PSLP and 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I have been resident in Tudeley since 1998. The draft proposals for site SS3 including in particular the draft road infrastructure proposals impact my property which is opposite part of the site.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See section 5

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	Megan Forster [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Megan Forster [REDACTED]
Comment ID	PSLP_668
Response Date	02/06/21 10:02
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Megan Forster
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have been a resident of Five Oak Green for nineteen years, also working from home.

I live in the lowest part of the village and subsequently have a risk of flooding from ground water, surface water and sewerage as the drainage systems are put under stress by substantial and increasing rainfall. Storm water combines with the foul water system with a resulting hydraulic overload. Twice this year already [February and May] we have had drains and sewers overflowing and toilets unusable for days at a time. Having liquid sewerage outside our doors and across our gardens is not pleasant. The whole village has seen increasing and unprecedented amounts of flooding in the last few years and the with climate change issue it seems likely to exacerbate.

All our foul water goes to the Paddock Wood treatment plant which is antiquated, difficult to repair and frequently fails as does the equally antiquated pipework. Paddock Wood has multiple ongoing developments that were struggling to connect to the sewerage infrastructure even before hundreds more homes were given planning approval. I know Southern Water have been forced [with help of MP Greg Clarke] into promising a new pumping station which will increase the capacity to a degree [and only to a degree] but I am concerned about their ability to fulfil this promise, given their track record of failings and fines amounting to many millions of pounds. The plan for this new facility - it's cost, location and start date seem illusive despite the latest new housing developemnt of 300 houses nearing completion and more on the way. To put so much more pressure on an already failing infrastructure is illogical. It is a Southern Water general policy to only plan for five years ahead - how can this be realistic ? How can it comply with government and climate change guidelines ?

Added to this - The Capel East area is a recognised flood risk zone. However much flood attenuaton is built in to the plan with good intentions by the developers how will this stop individuals, in time, adding extensions, paving over gardens and incrementally adding to the run off. Natural flood meadows cannot be replaced by artificial measures. It is lost as vital flood management asset and puts more pressure on the Envirement Agency to provide even more flood defenses.

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	Megan Forster [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Megan Forster [REDACTED]
Comment ID	PSLP_881
Response Date	02/06/21 10:31
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	Margaret Forster
---------------------------------------	------------------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR/SS 3

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have lived and worked in Five Oak Green for almost twenty years and am constantly aware of the flood risk and have suffered flooding to my property. This occurs when there is excessive rainfall - storm water combines with foul water to create a hydraulic overload to the sewerage system and ground water comes up to meet it. I would not wish this situation on anybody.

To build 4000+ houses on a flood plain puts them at risk and potentially exacerbates the flood risk for Tonbridge, putting even more pressure on the Leigh barrier and puts a cumulative effect on the drainage infrastructure.

Foul drainage is tackled far too late in the planning process. Southern Water does not cope with the sewerage infrastructure as it is. Areas of Paddock Wood and Five Oak Green get sewerage overflows every time it rains heavily.

Even with flood retention schemes installed, who will stop residents from paving over gardens and driveways in the future adding to an increased run-off. Should the Environment Agency be forced into attempting even more solutions that could have been avoided ?

I worry that, with the increasing number of flood events across the country, insurance companies will not be interested in insuring houses built on flood plains, the Flood Re. scheme being not available to houses built after 2009. I worry for my own ability to insure my property when the flood risk is increased all around me.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	William Forster [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Forster [REDACTED]
Comment ID	PSLP_325
Response Date	24/05/21 12:42
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (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	William Forster
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

[TWBC: This representation has been put against Policies STR/CA 1 and STR/PW 1 - see Comment Numbers PSLP_324 and PSLP_325]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing to object under Regulation 19 Phase to the TWBC “ Strategy for Capel Parish” (Policy STR/CA1) and to the inclusion of land in East Capel in “The Strategy for Paddock Wood” (Policy STR/PW1). (Tudeley and East Capel)

I have lived in this area for 30 years and in Capel for c28years. As a family we have explored the countryside and made great use of available footpaths and facilities.

When the call for development land went out from TWBC, we specifically didn't put our 7 acres up, as we felt the area wouldn't benefit from building on acres of green fields in the parish. Our land has road frontage and is neither Green Belt nor AONB status.

I object to the proposed plan, both where it is sited and the volume it proposes. It is based on a disproven target, developer wish-fulness, and very limited insight on the scope of impact and what would need to be funded by TWBC and residents. It brings with it a huge political risk as well as commercial risk of failure, puts vast swathes of the garden of England under yet more concrete and fails to address flooding which such a site alongside, and in, a known flood risk area will bring.

I would add that we in the First World decry the 3rd World for the devastation of their natural environment, their cutting down forests and their destruction of grasslands and for the climate costs these changes bring. And here we are in Tunbridge Wells, with challenging climate targets already proposing to destroy our own, much reduced already, natural environment. The TWBC plan is to decimate 100s of acres of prime and picturesque habitats to load yet more concrete and steel in its place. It is such hypocrisy.

Locations - Why Capel.

The Borough has nearly 50 Borough Councillors, only 1 of which lives in Capel Parish. The Borough has 18 parishes and Capel Parish (1 out of all 18) is getting 60%+ of the whole Borough's target. The imbalance is both stark and cavalier. Furthermore the plan refers to Capel as 'deprived' as if that gives the borough the right to ride roughshod across the constituents wishes.

And TWBC says that Southborough's air quality management problems will be alleviated by the new town at Tudeley. That is plainly nonsense. Traffic on the A26 through Southborough would more likely increase not have it reduced by Tudeley new town. And anyway it will add the AQMA issues into Tudeley.

Plan

Over the summer of 2019 when the plan was 1st proposed there were 3000 properties available either for sale or rent within a few miles of Paddock Wood. Existing development in the area is not finding buyers. Furthermore the ONS has advised that the targets for building are too high and based on discredited calculations and TWBC has not addressed this with Government.

The plan should not be taken further until Government addresses the target numbers.

Disconnected Proposals

The new town

- 1 There is no plan to alleviate traffic problems going into Tonbridge where the road to be used is already a choke point.
- 2 There is no planned new link between the north and south Tudeley new town developments across the railway. Existing bridges and the under pass are narrow and have traffic constraints. At least 2 new bridges would be required on the planned site if the blot of development is to have any chance of being a community.
- 3 The link road to the A228 from Tudeley New Town only addresses traffic going through between Tudeley and Colts Hill. It doesn't address traffic leaking through Paddock Wood traffic up to the A21 via Matfield, nor Badsell Road traffic and Paddock wood traffic past Transfesa.
- 4 The long-standing Colts Hill Bypass in the shape now being proposed by TWBC is not long enough to address the existing issues, let alone the vastly increased volumes. Nor does it address Kent's strategic link originally seen in the 25 year old proposal (accepted by TWBC) linking Pembury to Dampiers Corner.
- 5 The new development will increase traffic along the Pembury Road into Tunbridge Wells where traffic is already at a standstill during busy periods back to the A21. There is no plan element which considers the already creaking access to Tunbridge Wells.
- 6 Consideration has not been given to Tonbridge and that side of the boroughs' boundary. Tonbridge also has traffic problems and their station is already at capacity.
- 7 This development is being seen without consideration to the planned new houses elsewhere in Kent such as in Paddock Wood, in Marden, Staplehurst, Cranbrook, Maidstone and in Tonbridge. It is foolish to consider developments as isolated projects without external factors and there is no consideration from TWBC planners of how these will interplay and impact each other. At the very least there will be a major surge in traffic, already a weak point of both TWBC today and of the submitted plans.
- 8 Pembury hospital, new just a few years ago, doesn't have planned capacity for the new household population.

The Borough planners talk about developer levies as being the answer to many problems but are known to be unreliable. As cost escalate, the levy would run short. As new things are identified, the planned budget would not cover it and local taxes would get raised or services cut.

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- 1 Over 40 years ago a planned development in Paddock Wood was stopped for a while when it was found there was no sewage capacity. History repeated itself with the present Paddock Wood estates being built.
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Alternatives:

- 1 While a green field development is attractive to developers, it isn't to the community and no use of brownfield development is in the plan. Brownfield has not been properly investigated by TWBC for delivery of any significant part of the target. And we in the Western World decry other countries who rip out indigenous woods and plains for the development of Cities, seeing a very real risk to the world's climate. And Yet TWBC are looking to foist such a concrete plateau to hundreds of acres of green fields, hedgerows and woods.
- 2 A21 built infrastructure - Available Junctions and road capacity by castle hill and its proximity to existing sewerage is an opportunity ignored by TWBC Planners

Bearing these points in mind we can have little faith in the integrity, necessity and adequacy of the proposed plan. It should be dropped and the target addressed with Government.

Question 7

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Comment

Consultee	William Forster [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Capel [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	William Forster [REDACTED]
Comment ID	PSLP_324
Response Date	24/05/21 12:42
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.3

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation William Forster

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CA 1 The Strategy for Capel parish

[TWBC: This representation has been put against Policies STR/CA 1 and STR/PW 1 - see Comment Numbers PSLP_324 and PSLP_325]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing to object under Regulation 19 Phase to the TWBC “ Strategy for Capel Parish” (Policy STR/CA1) and to the inclusion of land in East Capel in “The Strategy for Paddock Wood” (Policy STR/PW1). (Tudeley and East Capel)

I have lived in this area for 30 years and in Capel for c28years. As a family we have explored the countryside and made great use of available footpaths and facilities.

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Comment

Consultee	Mr Neil Franklin ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells TN2 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Neil Franklin ([REDACTED])
Comment ID	PSLP_1946
Response Date	03/06/21 18:17
Consultation Point	Policy PSTR/PE 1 The Strategy for Pembury parish (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	Neil Franklin
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/PE 1 The Strategy for Pembury parish

Question 4a

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Question 5

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I believe that the proposed Local Plan is not fit for purpose. A lot has changed since this was first prepared. Under the Government's levelling-up agenda, more emphasis is to be placed on the north of England, so more development should be focussed there.

I believe that pressure should be put on the Government to reduce the requirements for development for councils in the south of England and especially in Kent (where the Government seems intent on destroying any remaining quality of life for current residents) and more especially affecting Tunbridge Wells borough.

Apart from the above, the currently-proposed plan still includes development proposals in the Metropolitan Green Belt where there appears to be no exceptional circumstances to justify it and also within the High Weald AONB. I do not believe there are any justifications for nibbling away at either of these areas. If any development is allowed in the Green Belt, then at least the affected area should be replaced in some way nearby.

I still feel that most of the proposed developments for Pembury parish are wrong and badly thought out. One example is the proposals for housing at Downingbury Farm (AL/PE 4) with access from the narrow, congested (especially at school times) south end of Church Road. Of course, I welcome the removal of the business area behind Downingbury Farm from the plan. In addition, the sites off Hastings Road (AL/PE 2 and AL/PE 3) are equally unacceptable – any developments accessed via the obstacle course called Hastings Road will just add to the difficulty of traversing that particular road section.

I have read the representations made by Pembury Parish Council and I must say that I support all they have said, except that (although there is a need for a by-pass of Colt's Hill on the A228), any new off-line road here must keep the loss of countryside to an absolute minimum and not carve-through the fields unnecessarily or ruin or blight as much of this countryside as seems to be proposed.

Question 7

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Comment

Consultee	Mrs Maureen Willson-Holmes ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Friends of East End
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of East End (Mrs Maureen Willson-Holmes - [REDACTED])
Comment ID	PSLP_1949
Response Date	04/06/21 12:29
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	Maureen Willson-Holmes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1949 and PSLP_1951]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans show different areas for development at the East End and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations.

Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
 - offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development.
- These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only.

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from ((see web link), Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic

importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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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 Maureen Willson-Holmes ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Friends of East End
Address	[REDACTED] [REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of East End (Mrs Maureen Willson-Holmes - [REDACTED])
Comment ID	PSLP_1951
Response Date	04/06/21 12:29
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Maureen Willson-Holmes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_1949 and PSLP_1951]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant because the two plans show different areas for development at the East End and both plans differ from the view of BHS. BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TW First Draft Local Plan comments (TWFDLP comments), Savill for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP *includes* both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS on the draft Local Plan (LP), propose 43 dwellings for the site which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP and *within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden), have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan (IDP) in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites they were NOT asked to assess the hospital sites).
 - . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were

first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures <https://www.change.org/EastEndFriends> .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations.

Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated?

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant as seen in Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

- is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.
- fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
 - that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
 - that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published); and
 - offers photos (B5&6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development.
- These omissions undermine the report's conclusion.

- Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - There is no "pre-school/nursery" as stated in the Overview
 - There is no "Small shop at hospital" as stated in the Overview
 - The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only.

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from ((see web link), Regulation 18 Representation made by Benenden Healthcare Society, November 2019 that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE3 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of existing pupil at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden rather than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic

importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at <https://www.benendenvillage.org.uk/History/benweb2006.pdf>

and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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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:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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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_37

Comment

Consultee Mrs Farah Brooks-Johnson [REDACTED]

Email Address [REDACTED]

Address -
-
-

Event Name Pre-Submission Local Plan

Comment by Mrs Farah Brooks-Johnson [REDACTED]

Comment ID PSLP_544

Response Date 28/05/21 11:01

Consultation Point Section 1: Introduction ([View](#))

Status Processed

Submission Type Web

Version 0.1

Files GSP Friends of Tudeley Final.pdf

Question 1

Respondent's Name and/or Organisation Friends of Tudeley

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.

Paragraph 1.2.9 Duty to Cooperate

Paragraph 1.3.1 Habitats Regulations Assessment

Paragraph 1.3.3 Sustainability Appraisal

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 1.2.9 Duty to Cooperate

TWBC has failed to present sufficient evidence that the Duty To Cooperate has been fulfilled.

A new settlement such as the proposed Tudeley Village is exactly the sort of strategic planning issue on which cooperation is mandatory. TWBC has failed to provide evidence of genuine cooperation with neighbouring local authorities on strategic matters.

A detailed description of TWBC's failure to present sufficient evidence is in Section 2.0 of the attached report by Graham Simpkin Planning.

Paragraph 1.3.1 Habitats Regulations Assessment

TWBC has not demonstrated that the plan (in combination with other plans and projects) will have no adverse effect on site integrity.

There are no public statements from Natural England or neighbouring Councils (including Wealden Forest District Council) that concur with the TWBC assessment that the impact of development in Tunbridge Wells Borough (in combination with development in other local authority areas) will not adversely affect the integrity of Ashdown Forest SAC through nitrogen deposition.

A detailed description of the lack of appropriate assessment is in Section 3.2 of the attached report by Graham Simpkin Planning.

Paragraph 1.3.3 Sustainability Appraisal

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal. The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin Planning.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal.

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

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Comment ID	PSLP_553
Response Date	28/05/21 11:05
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (1)
Question 1	

Respondent's Name and/or Organisation	Friends of Tudeley
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Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph 3.2 Vision and Objectives

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 Local Plan 'Vision' is unusual. Rather than inspirational and focused on the ambitions of a community, meeting development needs and protecting the environment, it instead includes direct references to development at Paddock Wood and an unnamed garden village. TWBC has not demonstrated that the plan is the most appropriate strategy. It is not justified by the evidence base and the evidence base was not proportionate.

The Vision and Objectives are not clearly articulated and their evolution (and relationship to strategic policies) has been confusing. The proposed garden village itself was named in the Objectives of an earlier version of the plan. Now it is unnamed in the Pre-Submission Local Plan version of the Vision and Objectives, which relies on a broad reference to 'establishing the role' that a garden settlement can make. Evolution of the plan (and Sustainability Appraisal) through the consultations is difficult to understand and the manner in which a garden village emerged as a preferred strategy seemed abrupt, such that the process was subject to retrospective justification. The evolution of the Vision and Objectives illustrates this. It is important to point out that, because the proposed garden settlement at Tudeley was listed as a plan objective at Reg 18, there would have been very few 'reasonable alternatives'. Indeed, none were identified.

A detailed description of the deficiencies in TWBC's Vision is in Section 4.2 of the attached report by Graham Simpkin Planning.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this 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)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(1\)](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_555
Response Date	28/05/21 11:10
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (2)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
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.	
Paragraph 4.2 The Development Strategy	
Paragraph 4.8 Housing Need	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Paragraph 4.2 The Development Strategy

The spatial strategy is not justified and not sustainable, and therefore the plan is unsound. The review of options available to TWBC (including the omission of one of the strategic sites) and a proactive search for settlement edge sites and previously developed/urban sites would have sustainability benefits. This would reduce the reliance on large sites to deliver housing and avoid the need to rely on a new settlement in the Green Belt. The sustainability impacts of the proposed Tudeley Village are significant and it is quite clear that the Sustainability Appraisal process was not the key driver for selecting the spatial strategy.

A detailed description of errors in the Development Strategy is in Section 4.5 of the attached report by Graham Simpkin Planning.

Paragraph 4.8 Housing Need

TWBC has not identified the most appropriate strategy to meet the identified housing need. The value of growth option 7 forming part of the preferred development option, perhaps with a large urban extension, was dismissed without adequate assessment. It could contribute to housing needs in a manner that is sensitive to the settlements at which it is located. The proposed strategy which includes a new settlement at Tudeley Village is not justified, nor consistent with achieving sustainable development.

If TWBC had fulfilled their Duty to Cooperate, it is possible that the proposed new settlement at Tudeley Village (and associated harm to the Green Belt) would not be required. This demonstrates the importance of discussing this issue with nearby Local Authorities with determination. Demonstrating that such discussions have occurred is essential to the Exceptional Circumstances case for alterations to Green Belt boundaries.

A detailed description of the issues caused (and opportunities missed) by TWBC's approach to Objectively Assessed Need is in Section 4.3 of the attached report by Graham Simpkin Planning

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this Local Plan

Question 7

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Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_562
Response Date	28/05/21 11:27
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	GSP Friends of Tudeley Final.pdf (4)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 1 The Development Strategy	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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- . It is not justified
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Question 5

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The spatial strategy is not justified and not sustainable, and therefore the plan is unsound. The review of options available to TWBC (including the omission of one of the strategic sites) and a proactive search for settlement edge sites and previously developed/urban sites would have sustainability benefits. This would reduce the reliance on large sites to deliver housing and avoid the need to rely on a new settlement in the Green Belt. The sustainability impacts of the proposed Tudeley Village are significant and it is quite clear that the Sustainability Appraisal process was not the key driver for selecting the spatial strategy.

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Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this Local Plan

Question 7

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Question 7a

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal.

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin Planning.

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(4\)](#)

Future Notifications

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_564
Response Date	28/05/21 11:31
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (5)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR5 Infrastructure and Connectivity	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

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The Tunbridge Wells MP, Greg Clark, has said "Infrastructure First"; it therefore seemed reasonable to expect the draft Plan to contain a coherent timeline on the creation of infrastructure that will assure us that houses will be built only after the necessary infrastructure is in place. In fact, it contains no evidence of a deliverable infrastructure plan for the proposed Tudeley Village. The foundations and assumptions on which the approach to infrastructure is laid out in the Local Plan are fragile and in some cases farcical.

The speed at which the proposal for the Tudeley Village has been prepared means that sound infrastructure delivery planning cannot be demonstrated. The means of delivery, and timescale for delivery of important infrastructure items has not been carefully identified. A wide range of infrastructure is essential to the delivery of sustainable development, and habitat network (green infrastructure) improvements and community facilities must be carefully included in the delivery plans. It is essential that the timing of infrastructure provision must complement the delivery of policies and this does not appear to be the case. The plan is not effective.

A detailed description of the inadequacy of TWBC's approach to infrastructure is in section 4.6 of the attached report by Graham Simpkin Planning.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this Local Plan

Question 7

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Question 7a

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_568
Response Date	28/05/21 11:41
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Connect FoT Final.pdf (1)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR6 Transport and Parking	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Question 5

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Friends of Tudeley has been advised by an expert transport consultant, Connect. Their detailed and comprehensive report is attached. A brief summary of the main points is as follows:

The Tudeley Village site cannot offer sustainable transport. There is no rail station and never will be. TWBC's evidence refers to a "4 buses an hour" bus service and has assumed that it would capture a 7.4% market share, but that has been assessed by a specialist public transport consultancy and shown to be a wholly unrealistic market share (and the service to be financially unviable).

Because of the lack of other options the new settlement will inevitably pour thousands of cars on to local roads, especially at peak hours. The local infrastructure will be swamped, even with road widening and physical junction changes. TWBC's own consultants have accepted that even the programme of road improvements put forward will not be enough to prevent overload.

Perhaps the most striking aspect of Connect's report is that on analysing the TWBC traffic evidence, Connect have discovered that for the roads to function around this new settlement TWBC are entirely reliant on a drop in car usage of about 62%. Without that drop, TWBC's consultants accept that the local road network will be overwhelmed. It is extraordinary for TWBC's plans to be based on a 62% drop in car usage. It is contrary to decades of UK travel behaviour trends, even in places with excellent public transport (which Tudeley Village will never have). The TWBC modelling is unrealistic and obviously unachievable, rendering the Plan unsound.

Without sustainable transport, the site is not sustainable. Residents will travel outside the development to shop, to take children to school (as a certainty for most of the plan period, and very likely thereafter), to receive medical care and to go to work. The primary school is not included in the first phases of development and the secondary school will not be built until the very end of the development phasing (beyond the Local Plan period) leading residents to seek access to places at schools that are already over capacity. Even once the new schools are built many residents will choose other schools (particularly given the number of established high quality schools in Tonbridge, including grammar schools) and will travel outside the settlement anyway. The settlement is too small to attract a major supermarket and so food shopping on site will be very limited. Shopping deliveries will add yet further traffic. The costings and timelines outlined in the Infrastructure Delivery Plan are fragmented and unconvincing, with many items essential for the settlement's operation marked only as 'desirable'.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this 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)? Yes, I wish to participate in hearing session(s)

Question 7a

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Future Notifications

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_569
Response Date	28/05/21 11:43
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (6)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 7 Climate Change	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
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This Local Plan does not make sufficient effort to encourage mitigation of and adaptation to climate change. The Policy STR7 titled 'climate change' is startling in its lack of urgency and bears no relationship at all to the Government's nearly zero targets.

The failings of the largest strategic sites, including Tudeley Village, to contribute adequately to the Government's 'nearly zero' 2030 targets means that the plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent s19 (1A) of the Planning and Compulsory Purchase Act 2004.

A description of these failings is in Section 3.3 of the attached report by Graham Simpkin Planning.

Question 6

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Question 7a

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GSP Friends of Tudeley Final.pdf (6)

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_570
Response Date	28/05/21 11:46
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Landscape FoT Final.pdf (1)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation 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	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Neil Williamson (Landscape Consultant and former President of the Landscape Institute) has prepared a Landscape Report for Friends of Tudeley to look at the setting of the proposed Tudeley Village. The report is attached.

Jillian Barr, Senior Planner at Graham Simpkin Planning, has prepared a report for Friends of Tudeley to look at planning issues relating to the proposed Tudeley Village. This report is also attached.

Both of these reports have strong arguments laid out that relate to this policy. A brief summary of the key points raised in the reports is as follows.

TWBC has failed to carry out any detailed landscape sensitivity analysis or a Landscape and Visual Impact Assessment (LVIA) for the Tudeley Village site. The landowner states that he has done so, but has declined to make it available. The result is that there is no publicly available evidence of the landscape and visual impact which the development of the Tudeley Village site would have. TWBC's Landscape Character Assessment from 2017 stated (specifically in relation to slopes such as the one on which the site lies) that "New developments can be highly visible on these slopes and detract from the essential countryside character". The reasonable requirement for proportionate evidence has not been met. It is a reasonable expectation that a full LVIA should be undertaken for a proposed development of 2,800 houses on a sensitive Green Belt site immediately adjoining the AONB. (Note that by contrast, a neighbouring planning authority (TMBC) commissioned full LVIA's for five new strategic housing allocation sites, all for fewer homes and some for less sensitive sites.)

The Tudeley Village site is a 'valued landscape' within NPPF terms. It should be categorised as being of "Very High" value in landscape assessment terms and its protection and enhancement should be afforded commensurate weight.

The landscape sensitivity of the Tudeley Village site (i.e. its vulnerability to being adversely affected by the proposed development) is also "Very High". TWBC has not carried out any adequate landscape sensitivity analysis. This is a very serious omission in terms of the soundness of the Plan.

TWBC has failed to make any adequate assessment of the overall impact on tranquility or the more specific impact on light pollution, despite the fact that this proposal involves the creation of a new settlement in a sensitive rural landscape (with a dramatically greater impact on tranquility than extending an existing urban area). Neither landscape nor ecological significance have been addressed by TWBC in any meaningful way. The proposed masterplan includes features that TWBC's own AONB setting report has identified as being particularly harmful.

Development of this site will inevitably have significant adverse effects both on the setting of the AONB and directly on the AONB itself.

The harm to All Saints' Church in Tudeley (home to the only complete set of Marc Chagall stained glass windows in the world) and numerous other heritage assets has not been justified. The density of listed rural buildings is notable and together they sit in the open agricultural setting. The public benefits of development are unlikely to outweigh the harm to All Saints' Church and other heritage assets in Tudeley. A heritage impact assessment must be completed.

The development of Tudeley Village and other sites in this Local Plan may harm the integrity of Ashdown Forest SAC through nitrogen deposition. There is no evidence that Natural England and neighbouring Councils (including Wealden Forest District Council) concur with TWBC's assessment of the levels of nitrogen deposition resulting from their development.

TWBC's evidence contains material inconsistencies about the importance of the AONB setting as between this site (where that is discounted) and a Horsmonden site (where proximity to AONB is cited as the reason for not taking the site forward, even though that site was less contiguous to AONB than Tudeley and was not Green Belt).

No site should be allocated for a substantial new settlement in advance of detailed assessment work being undertaken (and made available for public scrutiny) on the existing landscape, ecological and heritage resources and assets, how the development will affect them, and how they are to be protected and enhanced. To date, TWBC has failed to do this work. The proposed development is therefore not consistent with national and local guidance and the Plan is not sound.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this 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)? 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:

Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [Landscape FoT Final.pdf \(1\)](#)

Future Notifications

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_572
Response Date	28/05/21 11:55
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Landscape FoT Final.pdf (2) GSP Friends of Tudeley Final.pdf (7)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 9 Green Belt	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

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Do you consider that the Local Plan is not sound because:

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- . It is not effective
- . It is not justified
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Question 5

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Neil Williamson (Landscape Consultant and former President of the Landscape Institute) has prepared a Landscape Report for Friends of Tudeley. The report is attached (see Section 5: Green Belt).

Graham Simpkin Planning have prepared a report for Friends of Tudeley. This report is also attached (see Section 4.7: Policy STR9 Green Belt).

Both reports contain detailed arguments against releasing Green Belt for the proposed development of Tudeley Village which are briefly summarised as follows.

In 2017 TWBC concluded that development of land including the Tudeley site would cause "Very High" harm to the Green Belt. In 2020, however, once the development had been proposed, TWBC commissioned a new study focusing on a smaller area which downgraded the harm to "High". The methodology used to justify this downgrading cannot be justified. There is a high degree of certainty that there would be adverse landscape and visual impacts on the Green Belt. This site represents the very best landscape of this whole area of Green Belt. It is landscape of very high value, in very good condition. Harm to it would be irreparable.

The release of Green Belt land for a new settlement at Tudeley is not justified, nor is it consistent with national policy which states that Green Belt boundaries should only be altered where 'exceptional circumstances' are fully evidenced and explained. The fact that a large proportion of land in Tunbridge Wells Borough is constrained (designated Green Belt or AONB) is not itself 'exceptional circumstances' for releasing Green Belt land. The Green Belt asset does not become less important because there is more of it.

TWBC have not demonstrated Exceptional Circumstances that justify the release of Green Belt land at Tudeley for a new settlement because the land is not needed to meet housing needs. TWBC should revisit reasonable alternatives (strategic options 7 and 8) as well as a range of sources of small sites supply. Neighbouring councils at Maidstone and Ashford should have been approached to meet some of this housing need.

If Green Belt release is required, then settlement edge sites should be considered in detail to determine if parts of proposed sites make a weaker contribution to Green Belt purposes. Land that is already strongly related to built development will often make a weaker contribution to the first three Green Belt purposes, being less likely to be perceived as sprawl (purpose 1), narrowing the gap between towns (purpose 2) or encroachment into the countryside (purpose 3).

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this Local Plan

Question 7

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Question 7a

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If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(7\)](#)

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_557
Response Date	28/05/21 11:18
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Connect FoT Final.pdf GSP Friends of Tudeley Final.pdf (3) Landscape FoT Final.pdf

Question 1

Respondent's Name and/or Organisation	Friends of Tudeley
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS3 The Strategy for Tudeley Village

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
----------------------	----

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Friends of Tudeley has been advised by three expert consultants: Connect (Transport Consultants); Neil Williamson (Landscape Consultant and former President of the Landscape Institute); and Graham Simpkin Planning. Their reports are attached. They all consider this policy (STR/SS3 "The Strategy for Tudeley Village") to be unsound.

A brief summary of the main points developed is as follows.

Transport and Infrastructure (Connect)

The site cannot offer sustainable transport. There is no rail station and never will be. TWBC's evidence refers to a "4 buses an hour" bus service and has assumed that it would capture a 7.4% market share, but that has been assessed by a specialist public transport consultancy and shown to be a wholly unrealistic market share (and the service to be financially unviable).

Because of the lack of other options the new settlement will inevitably pour thousands of cars onto local roads, especially at peak hours. The local infrastructure will be swamped, even with road widening and physical junction changes. TWBC's own consultants have accepted that even the programme of road improvements put forward will not be enough to prevent overload.

Perhaps the most striking aspect of Connect's report is that on analysing the TWBC traffic evidence, Connect have discovered that for the roads to function around this new settlement TWBC are entirely reliant on a drop in car usage of about 62%. Without that drop, TWBC's consultants accept that the local road network will be overwhelmed. It is extraordinary for TWBC's plans to be based on a 62% drop in car usage. It is contrary to decades of UK travel behavior trends, even in places with excellent public transport (which Tudeley Village will never have). The TWBC modelling is unrealistic and obviously unachievable, rendering the Plan unsound.

Without sustainable transport, the site is not sustainable. Residents will travel outside the development to shop, to take children to school (as a certainty for most of the plan period, and very likely thereafter), to receive medical care and to go to work. The primary school is not included in the first phases of development and the secondary school will not be built until the very end of the development phasing (beyond the Local Plan period) leading residents to seek access to places at schools that are already over capacity. Even once the new schools are built many residents will choose other schools (particularly given the number of established high quality schools in Tonbridge, including grammar schools) and will travel outside the settlement anyway. The settlement is too small to attract a major supermarket and so food shopping on site will be very limited. Shopping deliveries will add yet further traffic. The

costings and timelines outlined in the Infrastructure Delivery Plan are fragmented and unconvincing, with many items essential for the settlement's operation marked only as 'desirable'.

Landscape (Neil Williamson)

The development of the proposed Tudeley Village allocation site would result in harm to the landscape, harm to the High Weald AONB and its setting and harm to the Green Belt. None of these harms have been adequately assessed by TWBC.

The susceptibility and sensitivity of the landscape of the Tudeley site are both to be classified as "Very High", yet neither have been adequately assessed by TWBC. Although TWBC has published assessments of the landscape sensitivity of other potential allocation sites in the area east of Tonbridge, it has not undertaken any such analysis of the Tudeley site. The locally exceptional landscape value of the Tudeley site has not been recognized by TWBC.

The extent of visibility of the site from the surrounding area including the AONB has not been adequately considered by TWBC. It will be considerable, given the wide, open nature of the local landscape. There are no Zone of Theoretical Visibility (ZTV) maps. No Landscape and Visual Impact Assessment (LVIA) has been undertaken by TWBC or made available by other parties for democratic scrutiny. Representations by the promoter underestimate the extent of visibility.

The absence of a rigorous landscape assessment of the Tudeley site is a very serious omission, given the scale of the proposed development and the sensitive location of the site within the Green Belt and immediately adjoining the High Weald AONB. Neighbouring planning authorities have undertaken full LVIAs for proposed strategic housing allocation sites even where the numbers of homes are smaller and, in some cases, the locations are less sensitive.

The Tudeley site currently enjoys a high level of tranquility, comparable to that of the adjoining parts of the AONB. The landscape and ecological impacts of light pollution and loss of tranquility have not been adequately assessed by TWBC. The tranquility of the site and the surrounding area including the adjacent parts of the AONB would be seriously and adversely affected by the proposed development. The AONB, its setting and the rural character of the B2017 road that forms its boundary would be harmed.

TWBC's published documents acknowledge that there would be harm to the setting of the AONB, but underestimate its extent and severity [see section 4]. TWBC's most recent Green Belt Study (2020) underestimates the harm to Green Belt Purpose 2 and greatly exaggerates the potential for mitigation and compensatory measures. The overall level of harm to the Green Belt would be Very High.

It is premature to consider the allocation of the Tudeley site for development until detailed studies have been undertaken of the landscape and visual effects, together with the effects on heritage and ecology that relate to both the development itself and the associated transportation infrastructure. This is required to provide sufficient evidence for the balance of planning harms and benefits to be adequately determined.

The Sustainability Appraisal of the Local Plan is flawed because it is based on inadequate environmental information in respect of the potential environmental effects of the Tudeley site allocation. No detailed analysis has been made publicly available of the landscape sensitivity or impact, or of the heritage or ecological assets and impacts.

There is no evidence that landscape implications have been adequately considered in the current development proposal or that the key garden settlement principle of enhancing the natural environment will be met.

The published masterplan for Tudeley Village conflicts with the recommendations of the Council's AONB Setting study (in that it proposes housing hard up against the B2017 road that forms the AONB boundary). The AONB Setting study recommended minimising development within the southern parts of the site and setting it back from the AONB boundary.

The proposed new settlement as illustrated in the published masterplan and proposed in Policy STR/SS 3 would be incompatible with proposed policies for the environment, including Policy STR 8 (Conserving and enhancing the natural, built and historic environment); Policy EN 1 (Sustainable design); Policy EN 8 (Outdoor lighting and dark skies); Policy EN 18 (Rural landscape); and Policy EN 19 (The High Weald AONB).

Policy STR/SS 3 would result in harm to the High Weald AONB and would be contrary to AONB Management Plan objectives R1 and R2 (impact on the B2017, a historic routeway) and objective OQ4 (impact on tranquility).

The new settlement as proposed would conflict with the Tunbridge Wells Borough Landscape Character Assessment (adopted SPD) in that it does not comply with landscape strategy for Character Area 13 [see paragraph 9.6].

The requirement in the Kent Design Guide (adopted SPD) that 'a rigorous investigation of the site will be required for all development' has clearly not been met for the Tudeley site. Since this is a requirement for all development sites within the Borough, there can be no justification for failing to apply the requirement to a proposal for a new settlement of 2,800 homes.

Taking all of the above into account, the Local Plan fails the test of soundness in respect of Policy STR/SS 3 for Tudeley Village, because:

- . appropriate and proportionate evidence on landscape and other environmental implications has not been provided; and
- . it does not accord with the NPPF, in that it fails to protect valued landscapes as required by paragraph 170 and would result in inappropriate development that would be harmful to the Green Belt, contrary to paragraphs 143 and 144.

Planning (Graham Simpkin Planning)

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) requires that local planning authorities (and other prescribed bodies and persons) must co-operate in relation to planning of sustainable development. The duty is to engage constructively, actively and on an on-going basis in the preparation of a Local Plan as it relates to strategic matters. **A new settlement such as the proposed Tudeley Village is exactly the sort of strategic planning issue on which co-operation is mandatory.** TWBC needs to demonstrate clear evidence of collaboration from the earliest stages of plan preparation but has failed to do so; there is **no evidence of genuine cooperation with neighbouring local authorities on strategic matters.**

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives. The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the SA.

The failings of the largest strategic sites (which are fundamental to the overarching strategy of the Local Plan) to contribute adequately to the Government's 'nearly zero' 2030 targets means that the plan does not secure development and use of land which will contribute to the mitigation of, and adaptation to, climate change consistent with S19 (1A) of the Planning and Compulsory Purchase Act 2004.

The spatial strategy is not justified or sustainable. Other reasonable options have not been assessed in detail and exceptional circumstances for development in the Green Belt have not been demonstrated. The evidence base is not proportionate and important gaps relating to nationally important site features means that sites such as the proposed Tudeley Village may not be deliverable.

TWBC has not identified the most appropriate strategy to meet the identified housing need. The value of growth option 7 forming part of the preferred development option, perhaps with a large urban extension, was dismissed without adequate assessment. It could contribute to housing needs in a manner that is sensitive to the settlements at which it is located. The proposed strategy which includes a new settlement is not justified, nor consistent with achieving sustainable development.

TWBC's over-reliance on strategic sites and lack of flexibility renders the plan not positively prepared, ineffective and in conflict with the NPPF. In addition to an urban extension, TWBC should incorporate more small and medium sites in the plan (instead of a new garden settlement), which are much less likely to be at risk of unexpected delay. More 'previously developed' sites (including unused agricultural buildings in suitable locations at the edge of settlements) should be identified, as could settlement edge development described in growth options 7 and 8. **It seems vanishingly unlikely that a garden village could deliver 150 homes per year by 2025 / 2026 and it is essential the plan includes development opportunities that can genuinely be delivered quickly.**

There is insufficient information to be able to assess matters related to heritage, air quality, landscape and protected species, for example, despite adverse impacts being inevitable and serious.

All in all, the plan has numerous deficiencies in respect of soundness and legal compliance. These deficiencies go to the heart of the strategy and the plan cannot be made sound by modifications. In any case, the failure to comply with the Duty to Co-operate would mean that the plan should not be adopted in its current form.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this Local Plan

Question 7

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Question 7a

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The likely environmental, social and economic effects of the Local Plan are not adequately nor accurately assessed in the Sustainability Appraisal.

The reasoning for selecting the proposed Tudeley Village site is inadequate and TWBC have not given sufficient reasoning why the Local Plan is the most sustainable strategy when considered against the reasonable alternatives.

A detailed description of the flaws in TWBC's Sustainability Appraisal is in Section 3.0 of the attached report by Graham Simpkin Planning.

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(3\)](#)

If you would like to attach a file in support of your comments, please upload it here. [Connect FoT Final.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [Landscape FoT Final.pdf](#)

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Supporting Information File Ref No: SI_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_576
Response Date	28/05/21 12:08
Consultation Point	Policy H 1 Housing Mix (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	GSP Friends of Tudeley Final.pdf (8)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy H1 Housing Mix	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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TWBC's over-reliance on strategic sites and lack of flexibility renders the plan not positively prepared, ineffective and in conflict with the NPPF. In addition to an urban extension, TWBC should incorporate more small and medium sites in the plan (instead of a new garden settlement at Tudeley Village), which are much less likely to be at risk of unexpected delay. More 'previously developed' sites (including unused agricultural buildings in suitable locations at the edge of settlements) should be identified, as could settlement edge development described in growth options 7 and 8. It seems vanishingly unlikely that Tudeley Village could deliver 150 homes per year by 2025 / 2026 and it is essential the plan includes development opportunities that can genuinely be delivered quickly.

It is not sound planning, in terms of delivering housing for local people, for TWBC to place so much reliance on a single very large new housing estate in Tudeley. TWBC has put almost all its eggs into enormous new estates: at Tudeley, at East Capel and at Paddock Wood. The rest of the borough has only a few, much smaller, developments dotted about. This approach deprives residents of the borough of the opportunity to move to new housing in small developments closer to where they now live. This is especially true of affordable housing for young people setting up their first home and for housing for the elderly, who would like to downsize and stay close to their family and friends. The mega-estate at Tudeley Village is too big and complex to deliver and provides housing that is mostly too far from where it is wanted and needed.

A detailed description of housing delivery issues is in Section 4.4 of the attached report by Graham Simpkin Planning.

TWBC has not identified the most appropriate strategy to meet the identified housing need. The value of growth option 7 forming part of the preferred development option, perhaps with a large urban extension, was dismissed without adequate assessment. It could contribute to housing needs in a manner that is sensitive to the settlements at which it is located. The proposed strategy which includes a new settlement at Tudeley Village is not justified, nor consistent with achieving sustainable development.

If TWBC had fulfilled their Duty to Cooperate, it is possible that the proposed new settlement at Tudeley Village (and associated harm to the Green Belt) would not be required. This demonstrates the importance of discussing this issue with nearby Local Authorities with determination. Demonstrating that such discussions have occurred is essential to the Exceptional Circumstances case for alterations to Green Belt boundaries.

A detailed description of the issues caused (and opportunities missed) by TWBC's approach to Objectively Assessed Need is in Section 4.3 of the attached report by Graham Simpkin Planning.

Question 6

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Remove STR/SS3 The Strategy for Tudeley Village and all references to the proposed Tudeley Village from this 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)? Yes, I wish to participate in hearing session(s)

Question 7a

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Friends of Tudeley is an unincorporated association of local residents concerned about the soundness of TWBC's proposal to create a new settlement at Tudeley. We will make an important local contribution to the matters under discussion

If you would like to attach a file in support of your comments, please upload it here. [GSP Friends of Tudeley Final.pdf \(8\)](#)

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_37

Comment

Consultee	Mrs Farah Brooks-Johnson [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mrs Farah Brooks-Johnson [REDACTED]
Comment ID	PSLP_575
Response Date	28/05/21 12:01
Consultation Point	Policy TP 1 Transport Assessments/Statements, Travel Plans, and Mitigation (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	Connect FoT Final.pdf (2)
Question 1	
Respondent's Name and/or Organisation	Friends of Tudeley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy TP 1 Transport Assessments and Mitigation	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Friends of Tudeley has been advised by an expert transport consultant, Connect. Their detailed and comprehensive report is attached. A brief summary of the main points is as follows:

The Tudeley Village site cannot offer sustainable transport. There is no rail station and never will be. TWBC's evidence refers to a "4 buses an hour" bus service and has assumed that it would capture a 7.4% market share, but that has been assessed by a specialist public transport consultancy and shown to be a wholly unrealistic market share (and the service to be financially unviable).

Because of the lack of other options the new settlement will inevitably pour thousands of cars on to local roads, especially at peak hours. The local infrastructure will be swamped, even with road widening and physical junction changes. TWBC's own consultants have accepted that even the programme of road improvements put forward will not be enough to prevent overload.

Perhaps the most striking aspect of Connect's report is that on analysing the TWBC traffic evidence, Connect have discovered that for the roads to function around this new settlement TWBC are entirely reliant on a drop in car usage of about 62%. Without that drop, TWBC's consultants accept that the local road network will be overwhelmed. It is extraordinary for TWBC's plans to be based on a 62% drop in car usage. It is contrary to decades of UK travel behaviour trends, even in places with excellent public transport (which Tudeley Village will never have). The TWBC modelling is unrealistic and obviously unachievable, rendering the Plan unsound.

Without sustainable transport, the site is not sustainable. Residents will travel outside the development to shop, to take children to school (as a certainty for most of the plan period, and very likely thereafter), to receive medical care and to go to work. The primary school is not included in the first phases of development and the secondary school will not be built until the very end of the development phasing (beyond the Local Plan period) leading residents to seek access to places at schools that are already over capacity. Even once the new schools are built many residents will choose other schools (particularly given the number of established high quality schools in Tonbridge, including grammar schools) and will travel outside the settlement anyway. The settlement is too small to attract a major supermarket and so food shopping on site will be very limited. Shopping deliveries will add yet further traffic. The costings and timelines outlined in the Infrastructure Delivery Plan are fragmented and unconvincing, with many items essential for the settlement's operation marked only as 'desirable'.

Question 6

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Question 7a

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Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1549
Response Date	04/06/21 11:20
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Comments on various aspects of Local Plan

[TWBC: see also separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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- 1 **The Friends of Woodbury Park Cemetery (FWPC)** were established in 2006 to help protect, conserve and sympathetically enhance for public benefit and enjoyment Woodbury Park Cemetery, to record and foster its heritage of memorials and its ecological importance, and to develop its use as an educational resource .
 - 1 We plant and tend it all year round, focussing on preserving the rich habitat and enhancing biodiversity. We greet visitors, many from quite long distances, and answer their eager questions while encouraging them to become active supporters. We conserve its 600 historic memorials, and our research on the lives and times of the Victorians buried here is shared through walks, talks, and publications. Our projects for children and annual award scheme for primary schools are designed to encourage mindfulness, interest in sustainability, and pride in Tunbridge Wells past..
 - 1 **Woodbury Park Cemetery(WPC)** is a remarkable place requiring careful consideration and protection within the Borough Plan. One of Tunbridge Wells “*irreplaceable and valuable assets*”, and registered with Historic England as a garden of special historic interest, it provides :
 - . a unique visual record of Tunbridge Wells Victorian history and a place of learning for both children and adults ;
 - . a major collection of public sculpture on over 600 gravestones;
 - . an east/ west green pedestrian and wildlife link forming a significant element of the green infrastructure in an increasingly densely built part of the town, much of it in high-occupancy residential blocks surrounded by hardlandscaping;
 - . a habitat and haven with Local Nature Reserve status in the heart of the town protecting threatened rare flowers and wildlife. The Friends have won a Gold Award from the Kent Wildlife Trust for their conservation work there;
 - . a combination of quiet, interesting and beautiful commemorative surroundings that promotes mental and physical wellbeing and has become increasingly appreciated during COVID limitations;
 - . inspired artistic and practical use of its romantic topography, winding paths and mature trees to provide a secluded dignified burial place for thousands of local people. It is Grade II Heritage Listed as an excellent example of an early Victorian cemetery that has preserved almost intact its original layout and structures .
- Both Historic England and the Department of Justice have published detailed information and advice on managing cemeteries like WPC.
- 1 All these reasons, and their interactions that make WPC so special, also make it highly vulnerable to insensitive developments on its periphery. These can lead to serious damage to what it offers. Development controls have failed to prevent a recent major intrusion of this sort, an apartment block towering very close to the boundary, along with its parked cars and prison- like mesh fencing, which now blights the lower area and has caused part of the cemetery's Listed original sandstone wall to collapse. Pressure to permit further such insensitive redevelopments seems likely to increase with the precedent this has set and both local and national encouragement being given to redevelop and make much more intensive use of urban land . **The Local Plan needs to strengthen safeguards to protect such an important and historic Council asset and the cultural, environmental, health, heritage and other contributions it makes to Borough strategies.**
 - 1 Its detailed contents, alongside other key plans, will provide the legal basis for decisions on planning applications for development and the use of land surrounding the cemetery for the next 18 years, and are therefore critical to what WPC will be able to continue towards the Borough's

planning goals. **WPC needs more specific reference by name within the Plan and associated Policy plans and statements including those concerning Central Royal Tunbridge Wells.**

- 1 **The Borough's cemeteries and a possible unsound element in the Local Plan** The Plan could also benefit from a clearer policy and general criteria for treatment of all the borough's historic cemeteries generally as such. These are a distinctive and essential category of land use contributing to and affected by planning policies and the exercise of development control powers, including in cases where the Council are the owners. Collectively the Borough's cemeteries are guardians of the mortal remains of millions of its dead, with the prospect of as many more to come. Religious faiths, the bereaved and society generally all expect their dead to be treated with dignity in peaceful well-kept surroundings dedicated to the purpose, their graves marked and protected, some with memorial sculpture of great beauty.
- 1 National legislation provides for local authorities to take over their ownership and maintenance when C of E graveyards are closed to further burials, as happened to WPC in 1934 and may have also been the case in many other parts of the Borough. Growing importance is now being attached nationally to old graveyards for all the reasons applying to WPC. Some may now like them have been designated as nature reserves or have Heritage status. Most have not.
- 1 This situation has relevance across the whole Borough in relation to its land use provision and planning, strategic aims, development control, and its ownership responsibilities on behalf of the public. We are therefore very puzzled to find no mention of cemeteries, churchyards or burial grounds in the Sustainability Assessment and its implications for the contents of the Local Plan. It may of course have been assumed that under national planning guidance this category of specialised land use and its complexities is adequately covered via references to the categories of historic parks and gardens/nature reserves/commons/open spaces, green areas, heritage sites etc. Our experience with WPC indicates this is not always so.
- 1 **These matters run far beyond the scope and expertise of FWPC but suggest their omission from examination in the sustainability appraisal and thus their relevance to the Local Plan based on it may need revisiting to ensure the Borough's proposals are soundly based.**
- 1 Meanwhile in respect of the need to protect, conserve and enhance WPC in its multiple and in some case specialised roles, we would wish to see clarified and made explicit in planning guidance to all those making development applications that **overlooking, noise and visual intrusion in relation to cemeteries will be given extra weight in their consideration. We would also welcome developers being advised to be in touch with FWPC as informed neighbours on behalf of current and prospective users of cemetery, when preparing any proposals close to its periphery.**
- 1 **In any event it might be helpful to create a planning guide for developers close to cemeteries.** It would indeed be regrettable if the precedent that appears to have been set by the development referred to in para 4 were to pave the way for further serious detriments to WPC from similarly insensitive projects responding to the call for intensified high density redevelopment in the central town zone in which the cemetery stands, and the areas immediately adjoining.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **STR 5** recognition of parks, amenity and natural green spaces.
- . **STR8** opportunities for biodiversity enhancements including the long term management of green corridors, development of green infrastructure networks and improving connectivity between habitats; the conservation and enhancement of historic parks and gardens and special regard to their settings.
- . **PN4** the requirement for developers to reflect the local distinctiveness and sensitivity to change of the historic environment and, in particular, to be required to demonstrate an understanding of heritage assets and their setting and associated significance, vulnerabilities and opportunities.
- . **PN9** proposals for developments to meet a biodiversity net gain position.
- . **PN10** protections for designated sites and habitats; and
- . **PN12** protections for ancient woodlands, veteran trees and trees, including in historic parks and gardens.
- . **PN26 Drainage** A policy of timely checks then prompt enforcement action could also play a useful part in securing the future of WPC. We urge TWBC to ensure the sustainable drainage requirements on future developers are adhered to and closely monitored. Local topography and soils mean Woodbury Park Cemetery and its adjoining triangle of woodland act as a natural drainage sump for their immediate surroundings, generating their own springs and a pond in the adjoining small wooded area of land. But in recent years it has suffered from time to time from

excess water flow from neighbouring streets and hard standings damaging paths, vegetation, memorials and the Chapel sandstone crag, . Adjoining developments must not be allowed to exacerbate this.

- . **424 and 6.425** In the context of heritage assets, landscape, trees and biodiversity such as that of WPC, we welcome the comments in these sections regarding residential extensions, alterations, outbuildings and annexes, and the need to consider the wider visual impact on the street scene and surrounding area. We wish to see added the appropriateness of boundary materials used and degree of privacy they offer to important sites like WPC. Some neighbours over the years have erected inappropriate or inadequate fencing or actual walls on top of the original sandstone cemetery walls . This detracts from privacy and visual enjoyment from the WPC side and has caused damage to parts of these historic boundaries .
- . **3, 7.17, 7.23** We strongly support the requirement to monitor the application of the Local Plan and urge this to give priority to historic assets like WPC and immediately tackle any unfavourable impacts.

13 Guidance within cemeteries for users We wish to raise also a guidance issue concerning sustainability **within** historic cemeteries. Adverse or inappropriate behaviour there can lead to costly unintentional damage, create safety risks from memorials, crush plants and bulbs and demoralise other users and volunteer workers. In the case of WPC footfall has steadily risen following the improvement work done by the Friends, new arrivals in the locality and the attraction of permissible outdoor activities during the COVID lockdowns. Current development permissions and the likely further impetus of the Plan's proposed local land allocations will increase it further.

We believe that users of the cemetery should be better and more authoritatively informed by a published set of byelaws clearly displayed at the entrance.

Matters covered would include the importance in order to avoid damage and danger, of sticking strictly to paths , not climbing on memorials , keeping dogs under control, avoiding trampling on graves or removing plants or foliage and of course no alcohol consumption, fires or camping. When the Friends encounter specific problems of this nature they often hear the not unreasonable words "Where does it say that ?".

14 AL/RTW4 Redevelopment proposal for 36-46 St John's Road

This major redevelopment offering accommodation for 80 elderly people is in a logical place for that purpose in relation to shops and facilities. However because of its close proximity to WPC its design must avoid adversely affecting that in any way. Coming at this time , conditions attached to it will be a test case of whether and how far the many welcome statements in the draft Local Plan, concerning protection of heritage assets and their settings, green infrastructure and biodiversity enhancement by developers can yet be reflected in the deployment of planning powers such as planning conditions and developers contributions **The developer should also if possible include action to bring positive benefit to the Cemetery which will be such an important contributor to their quality of life.**

- . The new structure will inevitably be much bulkier and much taller than the former bus garage. **The Friends would strongly oppose any visible intrusion on the traditional skyline when viewed from the cemetery, or any overlooking of it.**
- . Access from the site to WPC. While the bus garage was standing, the regular access to WPC from its premises by stressed bus drivers for a relaxed sandwich break was always via the vehicle exit onto Woodbury Park then the two minute walk via the cul de sac to the WPC gate. The building layout needs to cater for this. **FWPC would be 100 % opposed to any breach of the Listed cemetery wall to create a new access.**
- . The cemetery as a beautiful and peaceful place to sit or stroll will be a valuable amenity for the residents of the new block. However the current condition of some of the paths is poor due to increasingly heavy usage and intermittent flooding of stretches causing erosion, harmful wear and tear on exposed tree roots , plus trip hazards, and damage to adjoining graves by walkers take avoiding action in muddy sections. The additional surge in usage from this large new residential block while welcome in spreading further the benefits that the cemetery has to offer the community will undoubtedly aggravate this in a situation where we are still seeking affordable ways and resources for tackling both the drainage and resurfacing problems. **We suggest the developer should be asked to help find an agreed solution and design for this, especially while his ground workers will be close by preparing the St Johns Road site.**
- . Alternatively, in keeping with the Local Plan proposal that developers should make a net increase to local biodiversity, and given how vital it is for WPC as whole that it remains united with its

adjoining landlocked "triangle" in order to retain its canopy of trees and habitat of tangled marshy undergrowth, **we believe that a developer contribution would be desirable to help safeguard in perpetuity this linked area and its access onto Upper Grosvenor Road, perhaps to be a children's nature study area named in honour of a person of their choice.** This would be a major contribution to fostering biodiversity, help to reduce climate change, strengthen the town's green network and benefit generations of local children.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1557
Response Date	04/06/21 11:20
Consultation Point	Policy STR 5 Infrastructure and Connectivity (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	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation 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 whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

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Question 5

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Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1558
Response Date	04/06/21 11:20
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (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	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

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Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1567
Response Date	04/06/21 11:20
Consultation Point	Policy AL/RTW 4 Land at 36-46 St John's Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Policy AL/RTW 4 Land at 36-46 St John's Road

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

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14 AL/RTW4 Redevelopment proposal for 36-46 St John's Road

This major redevelopment offering accommodation for 80 elderly people is in a logical place for that purpose in relation to shops and facilities. However because of its close proximity to WPC its design must avoid adversely affecting that in any way. Coming at this time, conditions attached to it will be a test case of whether and how far the many welcome statements in the draft Local Plan, concerning protection of heritage assets and their settings, green infrastructure and biodiversity enhancement by developers can yet be reflected in the deployment of planning powers such as planning conditions and developers contributions **The developer should also if possible include action to bring positive benefit to the Cemetery which will be such an important contributor to their quality of life.**

- . The new structure will inevitably be much bulkier and much taller than the former bus garage. **The Friends would strongly oppose any visible intrusion on the traditional skyline when viewed from the cemetery, or any overlooking of it.**
- . Access from the site to WPC. While the bus garage was standing, the regular access to WPC from its premises by stressed bus drivers for a relaxed sandwich break was always via the vehicle exit onto Woodbury Park then the two minute walk via the cul de sac to the WPC gate. The building layout needs to cater for this. **FWPC would be 100 % opposed to any breach of the Listed cemetery wall to create a new access.**
- . The cemetery as a beautiful and peaceful place to sit or stroll will be a valuable amenity for the residents of the new block. However the current condition of some of the paths is poor due to increasingly heavy usage and intermittent flooding of stretches causing erosion, harmful wear and tear on exposed tree roots, plus trip hazards, and damage to adjoining graves by walkers take avoiding action in muddy sections. The additional surge in usage from this large new residential block while welcome in spreading further the benefits that the cemetery has to offer the community will undoubtedly aggravate this in a situation where we are still seeking affordable ways and resources for tackling both the drainage and resurfacing problems. **We suggest the developer should be asked to help find an agreed solution and design for this, especially while his ground workers will be close by preparing the St Johns Road site.**
- . Alternatively, in keeping with the Local Plan proposal that developers should make a net increase to local biodiversity, and given how vital it is for WPC as whole that it remains united with its adjoining landlocked "triangle" in order to retain its canopy of trees and habitat of tangled marshy undergrowth, **we believe that a developer contribution would be desirable to help safeguard in perpetuity this linked area and its access onto Upper Grosvenor Road, perhaps to be a children's nature study area named in honour of a person of their choice.** This would be a major contribution to fostering biodiversity, help to reduce climate change, strengthen the town's green network and benefit generations of local children.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1560
Response Date	04/06/21 11:20
Consultation Point	Policy EN 4 Historic Environment (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 Friends of Woodbury Park Cemetery

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 4 Historic Environment

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **PN4** the requirement for developers to reflect the local distinctiveness and sensitivity to change of the historic environment and, in particular, to be required to demonstrate an understanding of heritage assets and their setting and associated significance, vulnerabilities and opportunities.

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 David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1561
Response Date	04/06/21 11:20
Consultation Point	Policy EN 9 Biodiversity Net Gain (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 Friends of Woodbury Park Cemetery

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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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12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

. **PN9** proposals for developments to meet a biodiversity net gain position.

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 David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1562
Response Date	04/06/21 11:20
Consultation Point	Policy EN 10 Protection of designated sites and Habitats (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	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 10 Protection of designated sites and Habitats

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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.

12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

. PN10 protections for designated sites and habitats; and

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 David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1563
Response Date	04/06/21 11:20
Consultation Point	Policy EN 12 Trees, Woodland, Hedges, and Development (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 12 Trees, Woodland, Hedges, and Development

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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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12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **PN12** protections for ancient woodlands, veteran trees and trees, including in historic parks and gardens .

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 David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1564
Response Date	04/06/21 11:20
Consultation Point	Policy EN 26 Sustainable Drainage (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 Friends of Woodbury Park Cemetery

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 26 Sustainable Drainage

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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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12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **PN26 Drainage** A policy of timely checks then prompt enforcement action could also play a useful part in securing the future of WPC . We urge TWBC to ensure the sustainable drainage requirements on future developers are adhered to and closely monitored. Local topography and soils mean Woodbury Park Cemetery and its adjoining triangle of woodland act as a natural drainage sump for their immediate surroundings, generating their own springs and a pond in the adjoining small wooded area of land . But in recent years it has suffered from time to time from excess water flow from neighbouring streets and hard standings damaging paths, vegetation, memorials and the Chapel sandstone crag, . Adjoining developments must not be allowed to exacerbate this.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1565
Response Date	04/06/21 11:20
Consultation Point	Policy H 11 Residential Extensions, Alterations, Outbuildings, and Annexes (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 11 Residential Extensions, Alterations, Outbuildings, and Annexes

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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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12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **424 and 6.425** In the context of heritage assets, landscape, trees and biodiversity such as that of WPC, we welcome the comments in these sections regarding residential extensions, alterations, outbuildings and annexes, and the need to consider the wider visual impact on the street scene and surrounding area. We wish to see added the appropriateness of boundary materials used and degree of privacy they offer to important sites like WPC. Some neighbours over the years have erected inappropriate or inadequate fencing or actual walls on top of the original sandstone cemetery walls . This detracts from privacy and visual enjoyment from the WPC side and has caused damage to parts of these historic boundaries .

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Mr David Bushell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Friends of Woodbury Park Cemetery
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Friends of Woodbury Park Cemetery [REDACTED] [REDACTED]
Comment ID	PSLP_1566
Response Date	04/06/21 11:20
Consultation Point	Section 7: Delivery and Monitoring (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Friends of Woodbury Park Cemetery
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 7: Delivery and Monitoring

[TWBC: see also whole response on the whole Plan (PSLP_1549) and separated comments on the following: Policies STR5 (PSLP_1557), STR8 (PSLP_1558), EN4 (PSLP_1560), EN9 (PSLP_1561), EN10 (PSLP_1562), EN12 (PSLP_1563), EN26 (PSLP_1564), H11 (PSLP_1565), Section 7 (PSLP_1566) and Policy AL/RTW 4 (PSLP_1567)]

Question 4a

If 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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12 We warmly welcome and strongly support as a context for urgent measures to reduce the threat of detriment to WPC the following strategic and policy sections of the Plan:

- . **3, 7.17, 7.23** We strongly support the requirement to monitor the application of the Local Plan and urge this to give priority to historic assets like WPC and immediately tackle any unfavourable impacts.

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	Mrs Emma Nightingale [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Frittenden Parish Council
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Frittenden Parish Council (Mrs Emma Nightingale [REDACTED])
Comment ID	PSLP_456
Response Date	26/05/21 20:06
Consultation Point	Frittenden (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 Frittenden Parish Council

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.

Paragraph 5.519

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Section 5.519 - Frittenden Parish Council is supporting a proposal to construct a community shop/cafe and it may be appropriate to seek contributions to the costs of constructing and running the community shop/cafe. Planning permission has recently been granted for the shop/cafe.

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.

Paragraph 5.519 should be amended to take account of the comment made above.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Emma Nightingale [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Frittenden Parish Council
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Frittenden Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_455
Response Date	26/05/21 20:06
Consultation Point	Frittenden (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	Frittenden Parish Council
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.	
Paragraph 5.512	
Question 4	
Do you consider that the Local Plan:	

Is legally compliant	No
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.

Section 5.512 - there are currently no permanent retail facilities in the village.

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.

Paragraphs 5.512 should be amended to take account of the comment made above.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Emma Nightingale [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Frittenden Parish Council
Address	[REDACTED] [REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Frittenden Parish Council (Mrs Emma Nightingale [REDACTED])
Comment ID	PSLP_458
Response Date	26/05/21 20:06
Consultation Point	Policy PSTR/FR 1 The Strategy for Frittenden parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Frittenden Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/FR 1 The Strategy for Frittenden parish

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	Yes
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Policy PSTR/FR1 - can we insert after paragraph 3(c) reference to the construction and running of a community shop/cafe.

Policy PSTR/FR1 - we would query reference in section 3(f) to additional allotments as not being a priority for the village.

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.

Policy PSTR/FR1 should be amended to take account of the comments made above.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

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	[REDACTED]
Email Address	[REDACTED]
Company / Organisation	Mrs J R Fry, Mr C D Fry, and Mr & Mrs T J Fry
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs J R Fry, Mr C D Fry, and Mr & Mrs T J Fry [REDACTED] [REDACTED]
Comment ID	PSLP_47
Response Date	26/03/21 13:53
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Letter
Version	0.2
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mrs J R Fry, Mr C D Fry, and Mr & Mrs T J Fry
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1: The Strategy for Paddock Wood, including land at east Capel

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am writing on behalf of all concerned land owners at Lydd Farm in response to the Capel Bypass Road Route proposal, which was brought to our attention recently through social media posts by a local group. To date, we have not been contacted by anyone from TWBC or any other relevant authority in any official capacity to inform us of these plans.

If the proposal is accurate, it would mean that a new road could potentially cut right through our land, dividing the farmland and causing significant-and unnecessary-disruption and destruction, not only to the local wildlife but also to us and the other neighbouring properties.

We vehemently object to this plan and will do all in our power to oppose it. We are not willing to sell any land if the bypass route cuts through or near our property, and we do not support it in any way. The upcoming Tudeley and Capel developments-which have seemingly passed into the next stage of planning despite huge local opposition and without proper consideration of the more viable alternatives-have already dealt us and other local residents a huge blow in terms of decimating our local environment and potentially causing massive disruption and upheaval, so to hear this news on top was saddening and frustrating.

Please confirm that you will not be routing a new road through our land but, should you have any information or other response, we would be grateful if you could send it to the above address.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Supporting Information File Ref No: SI_143

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ([REDACTED])
Comment ID	PSLP_2062
Response Date	02/06/21 17:52
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties 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 into Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)]

Question 4a

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1.1 Introduction and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of Gallagher Properties Ltd (hereafter referred to as Gallagher) in respect of the Tunbridge Wells Borough Council Regulation 19 Pre-Submission Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Swatlands Farm, Lucks Lane that forms part of the employment allocations proposed for the expansion of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

1.2 The Site

1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

1.2.2 The site is located to the south-east of Maidstone Road and south of Lucks Lane. It lies adjacent to, but outside, the defined Limits to Built Development (LBD) boundary of Paddock Wood in the adopted Local Plan, but within the proposed Paddock Wood strategic development area and within the proposed LBD in the PSLP.

1.2.3 The site comprises an undeveloped parcel of agricultural land. It has a largely grassed surfaced with boundaries are marked by hedgerows and trees. A small wooded area lies to the west, adjacent to Maidstone Road, and a central tree/hedge line which partially divides the site. There is also a water course running along the rear boundary of the site and a small stream that runs across part of the site from Lucks Lane.

1.2.4 Gallaghers are proposing to develop the site for employment development. It is currently anticipated that a range of size and types of employment units could be provided on the site, providing up to 18,500 sqm of employment floorspace within up to seven buildings.

1.2.5 The Council's SHELAA site assessment confirms that the site is suitable for economic uses, and is available and deliverable. It is therefore identified as being suitable for an allocation in the Local Plan as a logical extension to a key employment area.

[TWBC: for site location plan see full representation attached]

1.2.6 The site is deliverable in the short term and therefore represents an excellent opportunity to deliver meaningful new employment, and by providing the type of units for which there is currently the highest level of demand. It is important that, whilst constraints clearly need to be respected, the Local Plan allows the best use to be made of what is a key employment growth opportunity.

1.3 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

1.5 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 Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

[TWBC: PSLP Vision 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 duplicated here - see full representation attached]

Response

1.5.7 We broadly support the general thrust of the vision and these objectives. In particular, we especially welcome the recognition that the planned increase in housing should also be matched by a proportionate expansion in employment opportunities across the borough.

1.5.8 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed. However, please note our comments on Policy EN3 in the relevant section below.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Gallagher Properties 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

Question 7

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Supporting Information File Ref No: SI_143

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
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Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ([REDACTED])
Comment ID	PSLP_2063
Response Date	02/06/21 17:52
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: the full representation attached has been divided into Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

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1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

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[TWBC: for site location plan see full representation attached]

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- Vision and Strategic Objectives;• Development Strategy and Strategic Policies;
- Place Shaping Policies; and• Development Management Policies.

Development Strategy and Strategic Policies

1.5.9 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 1: The Development Strategy

1.5.10 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

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Supporting Information File Ref No: SI_143

Comment

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Comment ID	PSLP_2065
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Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties Ltd
Question 2	
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Question 3a

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Policy STR 4 Ensuring Comprehensive Development

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- Vision and Strategic Objectives;• Development Strategy and Strategic Policies;
- Place Shaping Policies; and• Development Management Policies.

Development Strategy and Strategic Policies

1.5.9 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 4: Ensuring Comprehensive Development

1.5.11 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.5.12 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.5.13 The proposed employment development at Swatlands Farm is in line with the masterplanning work which has been carried out to date. Given the importance of ensuring that employment proposals come forward at an early stage, to increase the prospects of expanded employment opportunities being available to existing and future residents as soon as possible, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these;• the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that “the key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Gallagher Properties 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

Question 7

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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_143

Comment

Agent	Mr Jonathan Buckwell ()
Email Address	
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	()
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ()
Comment ID	PSLP_2061
Response Date	02/06/21 17:52
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties 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/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: the full representation attached has been divided into Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)

Question 4a

If 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 and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of Gallagher Properties Ltd (hereafter referred to as Gallagher) in respect of the Tunbridge Wells Borough Council Regulation 19 Pre-Submission Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Swatlands Farm, Lucks Lane that forms part of the employment allocations proposed for the expansion of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

1.2 The Site

1.2.1 Our client is promoting employment development at Swatlands Farm, Lucks Lane, which formed site 347 of the Strategic Housing and Employment Land Availability Appraisal (SHELAA). The site location is shown on the plan overleaf. *[TWBC: see full representation attached]*

1.2.2 The site is located to the south-east of Maidstone Road and south of Lucks Lane. It lies adjacent to, but outside, the defined Limits to Built Development (LBD) boundary of Paddock Wood in the adopted Local Plan, but within the proposed Paddock Wood strategic development area and within the proposed LBD in the PSLP.

1.2.3 The site comprises an undeveloped parcel of agricultural land. It has a largely grassed surfaced with boundaries are marked by hedgerows and trees. A small wooded area lies to the west, adjacent to Maidstone Road, and a central tree/hedge line which partially divides the site. There is also a water course running along the rear boundary of the site and a small stream that runs across part of the site from Lucks Lane.

1.2.4 Gallaghers are proposing to develop the site for employment development. It is currently anticipated that a range of size and types of employment units could be provided on the site, providing up to 18,500 sqm of employment floorspace within up to seven buildings.

1.2.5 The Council's SHELAA site assessment confirms that the site is suitable for economic uses, and is available and deliverable. It is therefore identified as being suitable for an allocation in the Local Plan as a logical extension to a key employment area.

[TWBC: for site location plan see full representation attached]

1.2.6 The site is deliverable in the short term and therefore represents an excellent opportunity to deliver meaningful new employment, and by providing the type of units for which there is currently the highest level of demand. It is important that, whilst constraints clearly need to be respected, the Local Plan allows the best use to be made of what is a key employment growth opportunity.

1.3 Local Plan 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

1.5 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

1.5.14 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

Policy STR/PW1

1.5.15 Policy STR/PW1 sets the Strategy for Paddock Wood and states that approximately 3,490-3,590 dwellings and accompanying infrastructure will be delivered via the planned extension to Paddock Wood.

1.5.16 We have **NO OBJECTION** to Policy STR/PW1.

Policy STR/SS1

1.5.17 Policy STR/SS1 sets the detailed strategy and states, amongst other things:

[TWBC: PSLP Policy STR/SS1 duplicated here - see full representation attached]

[TWBC: PSLP Policy Extract of proposed proposal map for Paddock Wood duplicated here - see full representation attached]

Comments in relation to Swatlands Farm

1.5.18 Gallaghers SUPPORT the proposals for employment development at Swatlands Farm, which falls within the northern parcel (edged red) as shown on Map 27. Swatlands Farm represents the southern part of site PW1_5 as identified in the Strategic Sites Masterplanning and Infrastructure Main Report.

1.5.19 In particular, my client SUPPORTS the inclusion of Swatlands Farm within the proposed Policy STR/SS1 allocation and within the Provisional Limits to Built Development as shown on the Policies Map.

1.5.20 They confirm that in relation to this site, it is deliverable over the plan period. My client's proposals will help to deliver additional high quality employment in the manner envisaged, including a mix of employment types and sizes in order to support the balanced economic and employment growth of Paddock Wood.

1.5.21 My client's land is capable of being developed in accordance with the principles set out in the PSLP. This land can be developed to provide additional high quality employment provision, and is easily accessed on foot from the town centre and railway station via existing footpaths.

1.5.22 The Strategic Sites Masterplanning and Infrastructure Main Report paragraph 4.38 encourages opportunities for smaller companies to be attracted to Paddock Wood to promote the balanced growth of the town, as well as providing opportunities for existing companies to expand and relocate. Gallaghers have a track record of providing a wide range of employment uses, and have previously constructed units Wrotham (Tonbridge & Malling). Further information on this development is included as Appendix 1.

1.5.23 Whilst viability work has been undertaken in relation to the residential parcels at Paddock Wood, it is not clear whether a similar exercise has been undertaken in relation to the employment development. Planning policies should take account of the fact that there are a number of landscape, flood risk, biodiversity and other constraints on these sites and that development requirements, for example sustainability requirements such as those set out in Policy EN3, need to be reasonably balanced in order to ensure that development can sensibly proceed.

1.5.24 Whilst we support the overall aims and objectives for the Swatlands Farm site as set out in the Strategic Sites Masterplanning and Infrastructure Main Report, we OBJECT to the proposal for Lucks Lane to be converted in its entirety to a pedestrian and cycle route, with a new parallel access road

to be provided to the south. Whilst we take no issue with the general concept of Lucks Lane being used primarily as a pedestrian and cycle route, the existing Lucks Lane/Maidstone Road junction should be retained as the main access point for the Swatlands Farm site. This is because:

- It is in the safest position to access the site from Maidstone Road taking into account visibility splay requirements;
- Driving a new access through to Maidstone Road would result in the unnecessary loss of several significant, well-established trees; and
- The parallel access road concept would further reduce the amount of land available for development within the Swatlands Farm parcel, especially when taking into account other constraints, and could render the scheme unviable.

1.5.25 As noted previously, there are already flood risk and biodiversity constraints on the site, which need to be respected. In order to make the best use of this key employment opportunity, it is essential that the Local Plan does not result in any further unnecessary reduction in net developable land, for example, by requiring the parallel access road concept.

1.5.26 It is also noted that the widening of Lucks Lane is identified as a potential mitigation measure in the Sweco Transport Assessment which underpins the Draft Local Plan, which supports our stance as set out above.

1.5.27 This objection could be remedied by amending the proposed masterplan, and making the equivalent changes to Maps 28 and 29 in the PSLP.

1.5.28 Furthermore, whilst the benefits of Design Review are recognised, and we do not object to the use of Design Review Panels being encouraged through policy, we do question whether their input at both the pre-application and post-submission stages for all applications within the SS1 masterplan area should be mandatory in all cases, regardless of the scale and nature of the proposal – which appears to be the case as Policy STR/SS1(5) is currently worded.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Gallagher Properties 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

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Supporting Information File Ref No: SI_143

Comment

Agent	Mr Jonathan Buckwell ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	([REDACTED])
Company / Organisation	Gallagher Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gallagher Properties Ltd ([REDACTED])
Comment ID	PSLP_2075
Response Date	02/06/21 17:52
Consultation Point	Section 6: Development Management Policies (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	DHA Planning for Gallagher Properties - full representation and appendix.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Gallagher Properties Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	

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Policy

Question 3a

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Section 6: Development Management Policies

[TWBC: the full representation attached has been divided into Policy STR/SS1 (PSLP_2061), Vision and Strategic Objectives (PSLP_2062), Policy STR1 (PSLP_2063), Policy STR4 (PSLP_2065) and Development Management Policies (PSLP_2075)]

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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.

Development Management Policies

1.5.29 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

1.5.30 In general terms, we would refer back to paragraph 15 of the NPPF that promotes succinct and up-to-date plans, which provide a positive vision.

1.5.31 As a general comment, there are large numbers of policies that effectively seek to provide a localised policy approach that mirrors the NPPF. For example, good design, protection of heritage assets etc. Not only are these policies repetitive, but many are of such prescriptive detail that they are neither positively prepared nor flexible enough to allow for a range of different circumstances. Furthermore, many aspirations result in inevitable conflict. On this basis, we would recommend that the majority of proposed policies are deleted where they offer nothing beyond the guidance already contained in the NPPF. This will also avoid the plan being quickly rendered out of date in the event of a change to the NPPF.

1.5.32 Turning to detailed policies, there are a number of contradictory elements that need to be remedied. For example, policy EN1 seeks to ensure development must respect the established character and surrounding form. However, policy EN3 places significant emphasis on measures to radically reduce greenhouse gas emissions.

1.5.33 The provision of a step change towards more sustainable construction and climate change is, inevitably going to result in a need for a change in attitude towards design, material and construction. Accordingly, a cohesive policy approach is needed that allows innovative and different design if supported on wider environmental and planning grounds. As drafted the policies fail to be succinct and instead are overly prescriptive.

1.5.34 Furthermore, Policy EN2 sets out challenging BREEAM requirements for non-residential developments of more than 5,000sqm, with BREEAM Excellent required as mandatory in every case, with no flexibility provided within the policy to take account of specific circumstances. Whilst the importance of sustainable development is understood and agreed, as is the need for high sustainability standards on new developments, as highlighted elsewhere there are several competing constraints to be taken into account.

1.5.35 There is a significant danger that a policy requiring mandatory standards which go beyond those set at a national level without any scope for flexibility could have the unwanted side effect of preventing or deterring job-creating development from coming forward in a short timescale. At the very least, if it is to be retained, policy EN2 should include wording to recognise that sustainable design standards should be the highest that can be reasonably achieved in the circumstances of the site and taking into account viability considerations.

1.5.36 We therefore **OBJECT** to policies EN1, EN2 and EN3 on this basis.

1.5.37 A number of policies also seek to provide guidance rather than policy. For example, policy EN4 seeks to clarify what information is needed in order to assess a heritage proposal. This level of information is already established via the NPPF EN4 on this basis.

1.5.38 Finally, the wording of Policy EN5 is currently unacceptable as it goes beyond what is required by the NPPF and is inconsistent with it. As currently worded, Policy EN5 currently requires all “proposals that affect a designated or nondesignated heritage asset, or its setting” to conserve or enhance the character, appearance, amenity and setting of the asset. As worded, that can mean any proposal that affects an asset, in any way, by any degree, whether or not it is designated. It is not acceptable to apply a blanket policy, whose restrictions go much further than national policy, to designated and non-designated heritage assets as if they were the same thing.

1.5.39 This sets a bar which will be almost impossibly high in some cases. The NPPF recognises that there will be cases where there will be harm to a designated or non-designated heritage asset, but where that harm can be outweighed in planning terms by other factors such as wider planning benefits,

or the potential for alternatives. Different tests apply depending on the designation status of the asset and the level of harm being caused.

1.5.40 We therefore **OBJECT** to Policy EN5. We recommended that it is deleted, because this issue can be addressed solely through existing national policy as expressed in the NPPF.

1.5.41 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Gallagher Properties 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, including employment development at Swatlands Farm.

1.6.3 We do however object to the detailed wording of certain aspects of Policy STR/SS1 as set out above, although the general principles are supported. We also have concerns about some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

Question 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.

1.5.40 We therefore **OBJECT** to Policy EN5. We recommended that it is deleted, because this issue can be addressed solely through existing national policy as expressed in the NPPF.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Nick Gandon ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tudeley TN11 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Nick Gandon ([REDACTED])
Comment ID	PSLP_1955
Response Date	04/06/21 13:23
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (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	Nick Gandon
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 The Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Dear Sir/Madam,

My family and I live at Church Farm Oast, next door to Tudeley Church. We have three children. Unsurprisingly, we have been actively against the "Tudeley New Village" plan, since day one. I list our concerns as follows:

Infrastructure/Roads – the B2017 is already crawling with traffic in both directions from Tonbridge to Paddock Wood, every morning of the week. Most of this traffic is heading in to Tonbridge, especially to the station. This road cannot possibly take more traffic during the rush hour, it will grind to a halt. In Five Oak Green, the traffic already travels dangerously fast past the school and through the village – there have been several near misses and minor incidents, this needs calming measures installed to ensure pedestrians, especially young children, are protected.

Schools – there is already a shortage of secondary school places in the area and more housing will only impact that shortage further.

Pollution – Increased traffic will of course add to the pollution in the area where many young children and wildlife live. This will of course have a negative impact if the plan were to go ahead. I know there is talk of cycle paths etc., but the reality is that the majority of new residents will have a number of cars that will likely be used daily. Of course this transcends to noise pollution, both in the form of vehicles, but also residents. Additional people will result in additional noise in the area, again effecting the wildlife and general feel of the area. A big concern of mine is that where we currently have quiet fields, if the plan went ahead, we may have loud party's taking place late in to the night in new residence and/or in the communal areas that are planned to be within a few meters of our boundary. Further to noise pollution there would also be light pollution – the beautiful clear skies that we are currently blessed with in the area, will not be as visible any longer and the views of our historic church, would be ruined.

Wildlife and Biodiversity – in the past year, in the field between the church and the railway line, we've seen Deer, Foxes, Geese, Rabbits, Foxes, Newts, Bats, Slow Worms, Red Kites, Buzzards and other birds of prey. Building on this land will permanently destroy the habitat for this wildlife. The farmland here is productive and of huge benefit to the UK's self subsistence along with all it does to aid biodiversity in the area.

MGB/AONB – The proposed plan is to build on MGB, surrounded by AONB (which will be hugely impacted as result of this plan). The idea of MGB is to separate towns and stop urban sprawl, but this plan will effectively bring Tonbridge and Paddock Wood together as one.

Brownfield and town center regeneration— There are huge amounts of Brownfield sites within the borough, that have not yet been considered for development. My understanding is that in order to build on MGB, the potential of all Brownfield sites, must be exhausted first. This has not happened.

Flooding – Areas of Tudeley and the surrounding villages, already have huge flooding issues. Additional building, in the areas planned, will only add to these problems. A lot of research on this has been done by Save Capel, so I won't repeat it here, but it is a huge concern of mine.

Water Supply/Sewerage – The issues at Paddock Wood around sewerage are well known and of great concern. How can we be sure that this issue will not be intensified with the new Plan.

Engagement – There has been very little engagement with the community and this plan process. With the exception of the Charette, which felt very much like a box ticking exercise, we have had no real engagement from the Hadlow Estate or TWBC. It is obvious to everyone that the TWBC feel they have found a very simple solution to their problem of needing to build more houses and they have been extremely lazy in moving this forwards. They have not looked at Brownfield, they have not engaged the public, they have not offered up solutions to the issues of infrastructure, flooding, destruction of MGB and they have refused to take the community's views in to consideration. They appear to have failed us, their constituents, on several grounds. There are quite a number of properties on the market in Paddock Wood and Tonbridge, suggesting that this area is not necessarily the most needy in terms of new houses – why is it that Capel is set to take nearly 50% of the borough's housing demands?

Whilst we appreciate houses are needed and the borough needs to accept it's fair share of the building requirements, it seems ridiculous that such a large number of the quota is intended to be dumped in such a small area and on MGB. We are positioned in an area of beautiful countryside, with well used footpaths, ancient woodlands and historic buildings of great interest and cultural value. There is not a demand within Capel for this volume of housing, we've carried out our own assessments and these are vastly lower than the proposed plan. A plan of this scale, would be a Ghost Town, an utter failure and at the expense of wildlife, biodiversity and the current Parish residents.

What is of greatest, personal, concern to my family and I, is the potential of new "communal space" coming right up to our boundary line, which is only a few meters from our house and my children's bedrooms. This boundary line joins the North facing boundary of the church, fencing in the graveyard. This should be a quiet space for remembering loved ones and contemplation, but if it is to border "communal space", there will be noise and potential raucous behavior, which is incredibly unfair on those paying their respects. To us, it will of course mean that we have increased security risk and noise levels at our property, in addition to losing the current views and wildlife of the area. This is all linked primarily to Phase 3 of the build, the area stretching from the church to the railway line.

Question 6

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To make the plan legally compliant, the views of the community must be taken in to account. Brownfield sites and town center regeneration need to be reviewed and developed, before considering to build on MGB. Proper flood risk assessments need to be carried out. An understanding of where in the borough, housing is actually needed, would need to be sought. The sheer volume of housing being proposed for this area, is ridiculous and unnecessary, no proper thought has been given to transport links, schools, shops, leisure facilities, etc. Living where we have for the past 8 years, we know how overcrowded the roads already are and what flood issues we see every Winter and the struggle for school spaces, none of this has been properly considered within the plan. Proper wildlife and biodiversity

studies need to be carried out so that the impact of any development can be mapped out and balanced. TWBC needs to look at and consider the infrastructure requirements in terms of schools and roads, especially the knock on effect to surrounding areas, especially Tonbridge.

In summary, we can understand the need for around 400 houses being built over the next 10 years, for which the infrastructure will grow organically and without detriment to biodiversity of the area nor the community already living here.

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	Linda Garcia ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Linda Garcia ([REDACTED])
Comment ID	PSLP_1369
Response Date	04/06/21 16:48
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	Linda Garcia
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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My family have been residents in Hartlake Road, Golden Green for nearly 33 years. We have raised two children here, commuted to work via train into London and over this timeframe have seen several negative changes to the surrounding countryside and Tonbridge itself. Within our immediate environment we have experienced more flooding over the years including problems with sewage and a decrease of natural habitats for our local wildlife. Traffic has increased hugely and local infrastructure isn't coping well. With the implementation of the proposed local plan, these problems will worsen considerably. Arranging medical appointments will become much more difficult also. I am particularly concerned that arable land will be sold off for housing when this should be used as was intended to feed the people. Pollution will increase and the loss of habitat for our birds, animals and small invertebrates is unforgivable particularly as we are encouraged wherever we look to take care of our environment. As for affordable housing, will this be affordable housing for young, local people? I doubt it! Why are brownfield sites with the borough not being considered? I find it grossly unfair that TWBC will pocket the council taxes raised while our local town (Tonbridge) and TMBC villages will suffer the impact of the proposed 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

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- . Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_33a-d

Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Comment ID	PSLP_503
Response Date	27/05/21 11:39
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_503, 507_KLW for Garthwaite_SI-1_Matfield Bio Net Gain.pdf PSLP_503, 507_KLW for Garthwaite_SI-2_Matfield Ecological Appraisal.pdf PSLP_503_KLW for Garthwaite_SI-3_Representation 1.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Garthwaite
Question 2	

Agent's Name and Organisation (if applicable) Kember Loudon Williams Ltd

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: For further comments by K LW Ltd. on Policy PSTR/BM 1 please see Comment Number PSLP_507]

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 effective
It is not consistent with national policy

Question 5

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Objection to Policy STR1. The Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate. In addition, the reliance on large strategic sites is going to result in the trajectory not being able to deliver sufficient housing early in the Plan period and so additional smaller sites are necessary to ensure delivery and so make the Plan effective.

As a result of the lack of housing allocations (see below) the Plan cannot be said to be effective or consistent with National Policy.

The housing need for the authority in the draft Local Plan is premised upon the standard method for the 15 year period which requires 678 dwellings per year, or 12,200 dwellings over the period. At the time of drafting this Plan the development plan situation in Sevenoaks District Council was unclear.

However, following the failure of their High Court challenge, Sevenoaks District Council is now required to begin the preparation of their Local Plan again. Since NPPF expects any unmet housing needs within the adjoining Districts to be addressed by neighbouring authorities, it would be unreasonable for Tunbridge Wells not to accept that some additional housing must be found to alleviate the pressure for new homes within Sevenoaks District. Not to do so would be contrary to NPPF policy and in our view this suggests that additional sites must be identified.

Given the stage reached in the Tunbridge Wells Local Plan process, it would be unreasonable for this Council to not assist Sevenoaks District in meeting part of its housing need. Paragraph 4.16 of the draft Local Plan postulates that Sevenoaks may have an unmet need of 1900 dwellings. Paragraph 4.18 also notes that sites may need to be greater in size to enable delivery of the numbers predicted. Paragraph 4.53-4.54 then explains that sites and other supply with sufficient capacity for 13,059 to 13,444 dwellings has been found. The mid point gives a buffer of 1,000 dwellings above the 12,200 requirement.

Notwithstanding the buffer and the situation in Sevenoaks, it is the case that Wealden District Council has fallen short of providing its required housing need and is some way off producing a new Local Plan. It is a neighbouring authority and subject to constraints relating to Ashdown Forest and the Habitat Regulations. Since it is within the same housing market area, it may be necessary for Tunbridge Wells to consider meeting some of its unmet housing need. In fact, following the rejection by the Local Plan Inspector of Wealden's Submission Plan, Wealden have re-wound their Plan preparation process and started from the beginning with an issues and options consultation. It is likely that this Plan is several years from fruition.

There is also sufficient uncertainty with Tonbridge and Malling's Local Plan and this Plan seems likely to follow in the footsteps of the Sevenoaks Plan. A shock to the local housing market seems likely with supply side constraint pushing up house prices. In the circumstances, it is considered that additional housing allocations are required to be identified within the Tunbridge Wells Local Plan area and these should go beyond the 1,000 dwelling buffer. Tunbridge Wells Borough Council cannot legitimately argue against this strategy having removed housing allocations from the Regulation 18 draft Local Plan that were perfectly acceptable. We refer the Local Plan Inspector to Policy AL/BM2 of the Regulation 18 Draft Local Plan and other representations by our client, which seeks to 'reinstate' this housing allocation in Matfield.

In relation to delivery of new homes, we are of the view that additional smaller housing sites are also required to ensure a sustainable delivery from early in the Plan period. The Council is relying on a number of very large strategic sites (Policy STR/SS1 and Policy STR/SS3). Together these total around 6,390 dwellings although it is acknowledged that delivery will spill beyond the Local Plan period. Such reliance upon strategic sites will inevitably take a long time to deliver the required housing and when they do start delivery, the housing market will only be able to sustain a certain volume of new homes per annum – otherwise the market is flooded in specific localities and homes take longer to sell. Consequently, additional smaller housing sites should be allocated in different locations. Since NPPF seeks to boost the supply of housing and there is nothing in the guidance preventing local authorities from providing more housing land than meets the standard methodology, it is entirely appropriate for additional sites to be identified.

Identifying additional sites should not be considered harmful where they are sustainable and the additional quantum will help meet a need early in the Plan period. If over provision occurs, it will simply enable the Council to offset this against future calculated housing needs – this is delivery in front of the curve. Figure 9 of the draft Local Plan (page 477 of the draft Local Plan) sets out the Council's planned housing trajectory. However, the completions rate identified in Table 1 of the Housing Supply and Trajectory Topic Paper for Draft Local Plan (September 2019, see extract below) explains that in a 3 year period (2016-19) 1552 dwellings were built or 517 per annum – much lower than the annual trajectory predictions of the draft Local Plan. Whilst it is accepted that more allocations may help improve this figure, in our view the historic trends do not suggest delivery will be as positive as the Council imagines.

[TWBC: For table please see full representation attached as a supporting document]

Question 6

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Modify STR1 to increase housing numbers to meet the unmet needs of Sevenoaks DC and other adjoining authorities. Alter the Policy to identify a need for additional smaller sites. The policy may need to increase by a further 2-3,000 more dwellings.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

The landowner wishes to be present to test the Council's strategy regarding housing numbers, the trajectory and the delivery of sites.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_33a-d

Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs John & Sarah Garthwaite [REDACTED]
Comment ID	PSLP_507
Response Date	27/05/21 11:39
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Email
Version	0.12
Files	PSLP_503, 507_KLW for Garthwaite_SI-1_Matfield Bio Net Gain.pdf PSLP_507_KLW for Garthwaite_SI-3_Representation 2.pdf PSLP_503, 507_KLW for Garthwaite_SI-2_Matfield Ecological Appraisal.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs Garthwaite
Question 2	

Agent's Name and Organisation (if applicable) Kember Loudon Williams Ltd

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish

[TWBC: For further comments by K LW Ltd. on Policy STR 1 please see Comment Number PSLP_503]

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 effective
. It is not consistent with national policy

Question 5

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Objection to Policy PSTR/BM1. The Plan is not legally compliant because insufficient consideration has been given towards the meeting of housing needs in adjoining authority areas and delivering sufficient small sites to ensure the housing trajectory can be delivered. As such it has resulted in a Plan which is unsound and does not properly comply with the duty to cooperate.

As a result of the lack of housing allocations the Plan cannot be said to be effective or consistent with National Policy.

1.0 History and Background

1.1 In the Draft Local Plan (Regulation 18) document, land at Matfield House was allocated for new housing under Policy AL/BM2. The policy anticipated a development of between 20-30 new dwellings and the criteria sought integration through pedestrian links with the wider village, access off Chestnut Lane and a proportion of affordable homes. The policy recognised the opportunities to undertake ecological enhancement to the undeveloped areas to the west of the housing site and the opportunity

for landscaping and amenity space. It was recognised that Matfield House was an important heritage asset but that the now unused orchard could be developed without any material effect. The site was deemed to be in sustainable location, close to the village and would comply with social, economic and environmental sustainability criteria of the NPPF.

1.2 Early Neighbourhood Plan meetings and round table design discussions also recognised the development potential of the site and the opportunities. In the draft Neighbourhood Plan of February 2020 the site was identified as one which was suitable for development (see Appendix 2 of that document).

1.3 In the Draft Local Plan (Regulation 19) document published on 26th March 2021, the Matfield House housing allocation is proposed to be removed in its entirety. In correspondence with Stephen Baughen Head of Planning, the key reasons for this change were identified below:

“As background to the decision which has been made to not include Matfield House (orchards and land) as a site allocation in the Tunbridge Wells Borough Council (TWBC) Pre-Submission Local Plan: - Concern was raised by the High Weald Area of Outstanding Natural Beauty (AONB) Unit at the Regulation 18 TWBC Draft Local Plan consultation stage relating to notable or priority grassland habitats on sites proposed to be allocated within the AONB. In response to this the Council commissioned a grassland survey of all sites with significant areas of grassland within the AONB. This survey was conducted during August 2020 and the report finalised in the autumn. - The report indicated that there were no grassland priority habitats on the proposed allocated sites but land at Matfield House might meet the criteria to be considered a priority habitat as Old Orchard. - The council then commissioned Kent Wildlife Trust (KWT) to undertake an assessment of the site against the criteria for ‘Old Orchard’. The priority habitat was confirmed by this report and the possibility of the allocation was discussed with KWT about whether to take the allocation forward. At the end of October KWT concluded in discussions that they could not support the proposed allocation. - Priority habitats receive a high level of protection through the National Planning Policy Framework NPPF)

(see web link)

and through the Local Plan, and there would be a very strong policy objection to any loss. It was therefore concluded to not include this site as an allocation in the TWBC Pre-Submission Local Plan.”

1.4 Following this, the landowner has engaged Grass Roots Ecology to test the reasons given for removing the site. The conclusions are noted below and in the accompanying reports. It is noted that Grass Roots Ecology adopted the same criteria as used by the Kent Wildlife Trust, however, the Kent Wildlife Trust make some slightly favourable conclusions as to the condition of the orchard. However, the existence of bramble and also undesirable species such as dock would suggest it is of moderate condition. 1.5 The grassland survey (provided by Greenspace Ecological Solutions for the Council) is generally in line with the conclusions drawn in the ecological appraisal report prepared by the landowner's ecologist, categorising the grassland as semi-improved neutral grassland of moderate to low botanical interest. The orchard therefore does not meet local wildlife site criteria with reference to the surveys that have been carried out as it lacks notable grassland, lichen, bryophyte, and invertebrate assemblages. Consequently, this site cannot be identified as priority grassland habitat or a Local Wildlife Site. There are no trees present which support bryophytes / lichen flora or support other features of substantive nature conservation value, such as unimproved grassland or wide hedges. In this context there are no inherent ecological reasons why the site should not be allocated for housing since its moderate quality and priority habitat can be off set with the net gain that is achievable. The following sections will review these conclusions in more detail.

2.0 Ecology Results

Habitats

2.1 It is noted that the development of the site would require the loss of Traditional Orchard (0.55ha), neutral semi-improved grassland (0.36ha), and amenity grassland (0.09ha). If proposed to be allocated, all hedgerows at the site would be retained.

2.2 Although the traditional orchard at the site qualifies as a NERC Act (2006) Habitat of Principal Importance (Maddock, 2011) when assessed against the Condition Assessment Criteria in the orchard is assessed at ‘moderate’ condition. The Bryophyte and Lichen surveys at the site demonstrate that important assemblages of these species are not present. In addition to this, the grassland at the site is only of neutral semi-improved quality, with the presence of injurious weeds and scattered bramble /scrub. It is therefore considered that the traditional orchard habitat at the site is of moderate condition

and does not meet Local Wildlife Site criteria. It is also noted that the grassland is not of sufficient quality to warrant protection for environmental reasons. As noted in the accompanying reports, the mitigation includes a 10% net bio-diversity gain and a more than 50% gain in Traditional Orchard. The reinstatement of the allocation would therefore deliver a material benefit. In relation to other fauna, there are none which would prevent the allocation from being reinstated:

Badger 2.3 No badger setts were observed during the survey, although what appears to be movement pathways to the northwest exist and indicate foraging. These should be retained and habitat enhanced.

Bats

2.4 No trees with bat roosting suitability are present at the Development Site. The activity surveys revealed the presence of foraging and commuting bats of at least eight species and mitigation through enhanced planting corridors is suggested.

Birds

2.5 During the breeding bird surveys a total of eighteen species of bird were recorded, of which three were BoCC 4 Red listed birds and listed in the Kent red data book: House sparrow, starling, and song thrush. House sparrow and Starling were recorded as probably breeders on site, and song thrush as possible breeder on site. One Kent Biodiversity Action Plan species was recorded on Site, dunnoek, recorded as a possible breeder. Mitigation in the form of retention of boundary hedgerows and trees is necessary together with enhanced foraging opportunities.

Great Crested Newt GCN

2.6 No GCN were recorded during the surveys.

Hazel Dormouse

2.7 No dormice were recorded within the Site Boundary. Dormice were only recorded in the hedgerows on the land under applicant ownership to the west of the site, within the west and north site boundaries at a distance of 145m west and 171m north west from the development site boundary. The hedgerow connections between these locations and the site are generally gappy and poor and the orchard trees are generally spaced wide apart with open crowns offering suboptimal habitat for dormice. It is therefore considered that impacts to hazel dormouse are unlikely to occur.

Invertebrates

2.8 The invertebrate surveys found five nationally scarce invertebrate species and one invertebrate Species of Principal Importance in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (formerly UK BAP). However, these were all recorded within the land to the west of the Development Site where impacts will not occur. The orchard trees didn't yield any of the scarce associated species. The orchard trees failed to support a notable invertebrate assemblage. The grassland is not species rich which is reflected in the limited number of phytophagous species present. This supports the 'moderate' classification.

Reptiles

2.9 Common lizard and grass snake were recorded on site during the reptile surveys. The proposed allocation would require the translocation to suitable receptor areas.

3.0 Suitability of the site and Need

Previous Allocation

3.1 In the Regulation 18 draft Local Plan, the site was allocated for between 20 and 30 new dwellings under Policy AL/BM2. In doing so the Council accepted that the site was in a sustainable location being located adjacent to the northern edge of the settlement of Matfield. Access was proposed off Chestnut Lane and this was supported by the Highway Authority, who reviewed all potential housing allocations. Neither the Council nor the applicant disagreed that the site could deliver the required affordable housing, mix of units and sufficient integration to secure pedestrian links to the centre of the village to the south. The land owner had discussions with Town and Country, who are the affordable housing provider which operate Marchants (adjacent and to the east of the site) to consider a pedestrian access through their land but in any event land ownership allowed access to the south between a residential cottage and sub station. It was noted that the site was close to Matfield House, a Grade 1 Listed Building, but since the site was related to land beyond its curtilage, redundant orchards and outside the conservation area, the effect on heritage assets was considered limited.

Regulation 19 Plan

3.2 The site was removed as an allocation when the Regulation 19 Plan was published. The reason given was very specific and related to the points noted in paragraph 1.3 above. However, the ecological reasoning for removing the allocation have been overcome by the submissions made here. Consequently, and based upon the evidence below, it is considered that site AL/BM2 of the Regulation 18 Local Plan should be reinstated as a housing allocation.

AONB and Conservation Area

3.3 In allocating the site under Policy AL/BM2 of the Regulation 18 Plan the Council accepted that the site would not impact unduly upon the AONB and that housing need justified the site. The removal of the site was undertaken as a reaction to the perceived grassland priority habitat. However, given the various surveys of this site it is considered that this is not now an issue and that the site can be reinstated. NPPF allows sites to be developed within the AONB where they meet certain criteria and the Council deemed these criteria to be met when they published the Regulation 18 draft Plan. In a similar fashion, the Council considered the effect of the Regulation 18 allocation on the nearby Conservation Area, the site is beyond the Conservation Area boundary and throughout the process the Council and landowner have agreed to preserve the integrity of the Conservation Area, despite initial proposals by the Parish Council neighbourhood Plan working group to see a larger site included within the Conservation Area. The proposed allocation retains the important views of the conservation area from the north including of Matfield House and the cupola of the clock tower.

Bio-diversity Enhancement and Loss of Orchard

3.4 In the net bio-diversity gain document, the landowner's ecologist has put together a series of mitigation and assessments which demonstrate that in reinstating the allocated site, a far greater benefit to bio-diversity can be delivered. A net gain of 10% gain can be achieved across the board and there can be a net gain in Traditional Orchard area of over 50% with enhancements to move it from 'moderate' to 'good'. If the allocation is not reinstated, then the ecological value of the site will continue to deteriorate as trees continue to die and eventually the traditional orchard will be lost.

3.5 We note that the Council has been comfortable in allocating strategic sites which also include sensitive habitat. Draft Policy STR/SS 1 – Paddock Wood and East Capel. In the master plan extract from Map 28 below, employment provision is directly proposed on Traditional Orchard as noted in the Tunbridge Wells Biodiversity Evidence base 2019 – see images:

[TWBC: For extract images please see full representation attached as a supporting document]

3.6 The orange areas denote Traditional Orchard. Swatland Farm is also noted as employment yet includes Traditional Orchard. In the context of the supply of Traditional Orchard, the table below clearly notes that such designations are the second most prolific in hectareage within the Borough, after deciduous woodland and setting aside river headwaters, which are materially different. The proposals only result in 0.55ha of traditional orchard lost which is 0.17% of the total habitat notwithstanding the bio net gain that is achievable on the promoted site. In view of the clear net biodiversity gain the reinstatement of the allocation would bring to this very small remnant orchard (in particular the enhancement of remaining orchard at the site) we feel that the allocation is warranted.

[TWBC: For table please see full representation attached as a supporting document]

4.0 Conclusions

4.1 The site was allocated under Policy AL/BM2 of the Regulation 18 Plan and was considered suitable, deliverable and achievable. Discussions with the Local Authority made significant headway in securing interest from an affordable housing provider and in securing pedestrian integration with the surrounding village.

4.2 The site was deemed to be sustainable and would help the village grow in a proportionate and sustainable manner.

4.3 The housing need situation in the area is complicated by the recent failings of two Local Authority development Plans and potentially the failure of the Tonbridge and Malling Plan (see other representations). In practice, these authorities form part of the same housing market area. Housing delivery in Tunbridge wells should seek to address more than the 1,000 buffer identified (see other representations). It is not to say that Tunbridge Wells should secure all the unmet need but a greater

proportion. This is especially warranted given the removal of sites from the Regulation 18 Plan, where such sites have been demonstrated to be acceptable.

4.4 Since this site is suitable from an environmental, social and economic perspective, we would seek the Inspector's support for further housing allocations and this site in particular.

Question 6

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Modify STR9PSTR/BM1, inset map 20 and 21, to include the site previously identified as AL/BM2 of the Regulation 18 Plan as a housing allocation for 20-30 dwellings and to lift the requirement for Brenchley and Matfield to 66-90 new dwellings.

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:

Should housing numbers be required to be increased, the landowner reserves the right to be present to discuss alternate sites.

If you would like to attach a file in support of your comments, please upload it here. [PSLP 503, 507 K LW for Garthwaite SI-1 Matfield Bio Net Gain.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 503, 507 K LW for Garthwaite SI-2 Matfield Ecological Appraisal.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP 507 K LW for Garthwaite SI-3 Representation 2.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Amanda Purdye [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gatwick Airport Ltd
Address	[REDACTED] [REDACTED] GATWICK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gatwick Airport Ltd [REDACTED]
Comment ID	PSLP_26
Response Date	06/04/21 12:31
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	Aerodrome Safeguarding
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

General response to Local 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.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Thank you for your email dated 25 March 2021, regarding the above mentioned planning policy consultation.

Aerodrome Safeguarding is a legislative requirement for officially safeguarded aerodromes of which Gatwick Airport is one. Aerodrome safeguarding is the process used to ensure the safety of aircraft while taking off and landing, or flying in the vicinity of aerodromes.

It is vital that their safe operation is not impacted upon by buildings, structures or works which infringe the protected Obstacle Limitation Surfaces (OLS), impact on navigational aids utilised by the airport, distracting or confusing lighting or by development which has the potential to increase the number of birds or the bird hazard risk. Please note this list is not exhaustive.

The Royal Tunbridge Wells area is around 31km East from the ARP (Aerodrome Reference Point) at Gatwick Airport. At this distance the only potential impacts on aerodrome safeguarding would be in relation to instrument flight procedures (IFPs). In the area covered by the local plan only buildings/structures over 150m above ground level (AGL) would have a potential impact.

Later on this year we will be issuing a new consultation map requesting that we are consulted on any buildings/structures of 150m AGL or above.

The crane permit process is changing in the near future. Any crane operator wishing to erect a crane anywhere in the UK higher than 10m above ground level or higher than the immediately surrounding trees/structures will need to obtain a permit from the CAA before the crane is erected. For further details of this process please refer to CAP1096 'Guidance to Crane Operators on Aviation Lighting and Notification' available at www.caa.co.uk

Please note that the start date for crane permit applications being submitted to the CAA will not now be the 31st May, this is due to be extended.

Thank you for giving us the opportunity to comment on this document. If you have any queries please do not hesitate to contact me.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_27

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr and Mrs B Gear [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs B Gear [REDACTED]
Comment ID	PSLP_452
Response Date	26/05/21 09:31
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_452-454_DHA Planning for Mr
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Gear
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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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 Mr & Mrs Gear in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr and Mrs Gear own Uphill, Benenden, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/BE 1). It is an established residential dwelling situated on the outer edge of the village. It lies outside of the defined 'limits to built development' (LBD), but adjacent to a predominantly residential area close to village services

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it is otherwise free from any restrictive planning designations.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site is suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons set out within this representation.

1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

1.3 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by vision and strategic objectives. The vision states:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough.

The Council will work with stakeholders* to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents.

In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities.

Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs.

Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character.

Local ambitions are:

- for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;
- for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding;
- for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design;
- for other settlements, to retain their essential local character, with high-quality sustainable development that reflects their environmental context, infrastructure, and site circumstances, having due regard to local needs;
- for the countryside, to retain its landscape, biodiversity, and historic character for its own sake, as well as a setting for settlements, whilst supporting sympathetic rural enterprise'.

1.3.2 In order to deliver the vision the plan sets a number of strategic objectives:

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough;(2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population;(3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments;(4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments;(5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities;

(6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology;(7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature;(9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests are met;(10) To support the goal to make the borough carbon neutral by 2030, and minimise

the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.3 Response

1.3.4 Our client supports the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.3.5 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 boroughwide needs will actively be pursued in full and in a manner that best complements the distinctive qualities of the borough'.

1.3.6 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.3.7 With the above modifications, the objectives and vision will then be positively prepared.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr and Mrs B Gear in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Benenden, but the detailed policy requires modification if the site is to be deemed deliverable and the allocation is to be found part of a sound strategy.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: this part of the response has been separated from the full representation submitted by DHA Planning. See full representation attached. See also PSLP_453 (Section 4 Policy STR1: the Development Strategy) and PSLP_454 (Section 5: Benenden - Policy AL/BE1)]

Question 6

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Supporting Information File Ref No: SI_27

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr and Mrs B Gear [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs B Gear [REDACTED]
Comment ID	PSLP_453
Response Date	26/05/21 09:31
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.13
Files	PSLP_452-454_DHA Planning for Mr
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Gear
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4a

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Do you consider that the Local Plan is not sound because:

Question 5

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- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
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- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

[TWBC: for section 1.3 response to Vision and Objectives see separate response PSLP_452].

1.4 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.4.2 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.3 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Governments standard method and the 2014-based household projections. We support this approach.

1.4.4 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.5 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: see full representation attached to view copy of Figure 5 Key Diagram]

1.4.6 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: PSLP Policy STR1 has been duplicated here - see full representation attached]

1.4.7 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.8 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.4.9 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.4.10 The full proposed distribution of development is set out below.

[TWBC: to view copy of Table 4 Distribution of housing allocations see full representation attached].

Response

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.4.13 As the borough is covered by more than 60% AONB designation, it is clear that a vast number of its residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible.

1.5 AONB Release

1.5.1 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.5.2 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.5.3 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.5.4 With above criteria in mind, our clients consider there to be clear evidence of an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.5.5 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.5.6 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

Ancient Woodland (approximately 16% of the borough) Circa 60 Local Wildlife Sites (approximately 11% of the borough) Ten Sites of Special Scientific Interest (SSSI) Five Local Nature Reserves (including one Community Woodland) One Regionally Important Geological Site, at Scotney Castle Quarry.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the AONB is patently met and

with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.6 Housing Delivery

1.6.1 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.6.2 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.6.3 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area. Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for table of housing completion rates 2010 to 2015 see full representation attached].

1.6.4 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.6.5 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: for table of housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]. Tablenote: 1 The completions data for 2019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year.

1.6.6 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.6.7 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that sites like our client's land are needed.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr and Mrs B Gear in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Benenden, but the detailed policy requires modification if the site is to be deemed deliverable and the allocation is to be found part of a sound strategy.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_452 (Vision and Objectives) and PSLP_454 (Section 5: Benenden - Policy AL/BE1)]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_27

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr and Mrs B Gear [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr and Mrs B Gear [REDACTED]
Comment ID	PSLP_454
Response Date	26/05/21 09:31
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_452-454_DHA Planning for Mr
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr and Mrs Gear
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/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 Mr & Mrs Gear in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Mr and Mrs Gear own Uphill, Benenden, which is identified as an allocation for potential residential development within the pre-submission Local Plan (Policy AL/BE 1). It is an established residential dwelling situated on the outer edge of the village. It lies outside of the defined 'limits to built development' (LBD), but adjacent to a predominantly residential area close to village services

1.1.3 The site is located within the High Weald Area of Outstanding Natural Beauty (which washes over the whole village). However, it is otherwise free from any restrictive planning designations.

1.1.4 Based on the current national and local planning context, we agree with the Council that the site is suitable for formal allocation and we consider there to be a sound basis to allow development within the High Weald Area of Outstanding Natural Beauty ('AONB'). However, we consider the proposed policy requires modification for the reasons set out within this representation.

1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission will comment on each of the above, highlighting where we believe modification is needed for soundness purposes.

1.2.4 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.2.5 Given our client's narrow interests, we have no comment to make on matters of legal compliance.

[TWBC: for response to Section 1.3 Vision and Objectives see PSLP_452. For response to Policy STR1: the Development Strategy see PSLP_453].

1.7 Policy AL/BE 1 - Land adjacent to New Pond Road (known as Uphill), Benenden

1.7.1 By way of context, our client's land consists of a plot of approximately 0.77 hectares situated on the northern edge of Benenden close to the village centre to the east of New Pond Road, abutting more recent development at Hortons Close to the south.

1.7.2 The existing site comprises a single residential dwelling and curtilage with boundaries marked by substantial vegetation.

1.7.3 To the south lies recent residential development on Hortons Close and the centre of the village which contains a community shop/café and post office, a primary school, village hall, pub and bus stops serving routes between Tenterden and Tunbridge Wells.

1.7.4 Residential development in the centre of Benenden is relatively tighter knit and comprises semi-detached and detached dwelling of varying sizes. Along The Street (B2086), development is generally made up of larger detached dwellings.

[TWBC: for Figure 1: Site Overview Map see full representation attached].

1.7.5 The existing Limits to Built Development (LBD) for Benenden are drawn tightly around the built-up area but runs along the southern boundary of the land. It is therefore an edge of settlement location.

1.7.6 There are a small number of listed buildings that are located in the vicinity of the site all of which front The Street to the south and are visually and spatially separated from the proposal site by existing built form and vegetation. These include:

(A) The Old Manor House (and Gateway)(B) The Queen's Well(C) Benenden Playgroup(D) Fir Tree Cottage Ward and Sons Butchers(E) Laurel House(F) Laurel Cottages

(G) Ivydene Mersham Cottage(H) Gable Cottage and The Gables(I) Cleveland Cottage(J) Dunroamin, Oakdene, Madle Cottage, Forge Cottage and Dolphin Cottage(K) Benenden Grade II Listed Registered Park and Garden

1.7.7 From a wider heritage perspective, the site is located outside of the Conservation Area and historic core of the village.

1.7.8 The site and greater village are covered by the High Weald Area of Outstanding Natural Beauty (AONB) designation. As such there is no scope to expand Benenden without encroachment into the AONB.

1.7.9 Finally, it should be reiterated that the land has been included as a draft allocation within the Benenden Neighbourhood Plan.

1.7.10 Having regard to this context, proposed policy AL/BE 1 states:

'This site, as defined on the Benenden Policies Map, is allocated for residential development providing approximately 18-20 dwellings, of which 40 percent shall be affordable housing. Development on the site shall accord with the following requirements:

1. Provision of a single point of access onto New Pond Road; 2. Provision of a pedestrian footway from the site entrance, past Hortons Close, to the junction of New Pond Road and the B2086. This shall be designed having regard to the designation of this part of New Pond Road as an Important Landscape Approach; 3. Relocate the 30mph speed limit along New Pond Road to the north of the site; 4. Regard to be given to existing hedgerows and mature trees on site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and landscape and visual impact assessment; 5. This site lies within, or very close to, the relevant impact risk zone for Parsonage Wood SSSI; hence an assessment of potential adverse effects on the SSSI as a result of the development will be required as part of any application, and if required the proposal shall include adequate mitigation measures, both during construction and on completion, to the satisfaction of Natural England to ensure no adverse effects on the SSSI as a result of the proposed development; 6. There is the potential for wood pasture or parkland, a BAP priority habitat, to be within 25m of the site. This should be taken into consideration as part of any detailed site-specific studies to inform development and any required mitigation; 7. The setting of the settlement character shall be maintained, and the impact on the nearby Benenden Conservation Area and the setting of nearby listed buildings reduced, including through the layout and design of the development being informed by a landscape and visual impact assessment and heritage assessment; 8. Demonstrate through the submission of relevant and proportionate archaeological investigations (as part of any planning application) that the proposal will not have a materially harmful impact on the archaeological environment; 9. Provide on-site amenity/natural green space and children's play space; 10. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PSTR/BE 1'.

Response

1.7.11 Our client supports the objective of the policy, but based on a threshold of 18 units, of which 40% of the homes would be expected to be affordable, there are significant compromises which need to be considered if the owners are to vacate their family home. As a consequence, we consider that the policy should be amended from 18 to 20 units to ensure that there is a reasonable financial incentive to do so.

1.7.12 Based on the definitions of the emerging strategy and case law, the site should also be subject to a 30% affordable housing policy requirement because it is brownfield (previously developed land). Indeed, the NPPF glossary defines PDL as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

1.7.13 As the site is situated outside of the settlement prescribed settlement confines, not in a built up area, it represents brownfield land in line with the High Court case of Dartford Borough Council v Secretary of State for Communities & Local Government (Ref: CO/4129/2015) which clarifies that gardens in rural areas are brownfield.

1.7.14 Finally, it can also be seen that there are substantial requests for supporting information and wider mitigation which will further impact upon the viability and attractiveness of the development, which will further necessitate the need to achieve 20 new homes on the site.

1.7.15 In summary, the site is suitable, available and deliverable for development and is actively being promoted by our client. However, we object to the lack of dialogue and engagement in formulating the detailed criteria of the policy. To be a sound and deliverable allocation the yield should be increased to a net 20 units and the affordable housing aspect reduced to 30% with flexibility to consider a commuted sum if viability dictates.

1.8 Summary and Conclusions

1.8.1 This representation has been prepared on behalf of Mr and Mrs B Gear in response to the Tunbridge Wells Borough Council Pre-Submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy and the associated policies.

1.8.2 In this respect, we support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Furthermore, we support the inclusion of our client's site in Benenden, but the detailed policy requires modification if the site is to be deemed deliverable and the allocation is to be found part of a sound strategy.

1.8.3 We trust the contents of this representation are clear and hope that the comments are useful in guiding the forthcoming stage of the plan making process.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_452 (Vision and Objectives) and PSLP_453 (Section 4 Policy STR1: the Development Strategy)]

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.

1.7.15 In summary, the site is suitable, available and deliverable for development and is actively being promoted by our client. However, we object to the lack of dialogue and engagement in formulating the detailed criteria of the policy. To be a sound and deliverable allocation the yield should be increased to a net 20 units and the affordable housing aspect reduced to 30% with flexibility to consider a commuted sum if viability dictates.

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	Mark Ginsberg [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mark Ginsberg [REDACTED]
Comment ID	PSLP_1062
Response Date	03/06/21 12:12
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.8
Question 1	
Respondent's Name and/or Organisation	Mark Ginsberg
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I live at xxxx, Sherenden Road, Tudeley TN11 xxx [TWBC full postal address redacted for data protection] and have lived at this location for 25 years bringing up both my children here. I chose this location with my late wife due to the rural aspect having moved from an urban area. I feel fortunate to have this opportunity of a lovely place to live where we can all enjoy the vast benefits that this rural environment brings, the positive health benefits and tranquil and free open green spaces. I work in Tonbridge and able to regularly enjoy the incredible asset that I live amongst and that I, and visitors to the area, appreciate every day. We chose to live here because of the rural location and all that that offers.

GREENBELT

The proposed site sat within the Metropolitan Greenbelt. The purpose of the Greenbelt is to prevent urban sprawl and protect the countryside and the threat posed to wildlife and landscape. According to the NPPF, there are five stated purposes of including land within the green belt, these are to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns and finally to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The NPPF states, developing on Greenbelt should only be in 'exceptional circumstances' and must be justified and evidenced and not to just alleviate demands for further housing.

It is not clear what the exceptional circumstances are at these sites of Tudeley and East Capel? A single landowner does not constitute exceptional circumstances and should not be considered in an intelligent and well thought out planning policy. These areas of Greenbelt have the above purposes and must be protected. In an area that is already considerably built up and congested part of the South East corner of the UK, the priority must be to save these precious green, rural landscapes for future generations. There are many alternatives, more suitable and sustainable sites throughout the Borough for building new homes which are available, for example the high number of Brownfield sites throughout Tunbridge Wells Borough. The site at Blantyre House and the government land around it. The extent of land in the north east of the Borough which is non designated land.

Save Capel campaign group undertook a survey of potential brownfield sites and have identified a number of locations that are not registered as such with the Borough and are prime sites for development.

Although the proposed development is being promoted as a garden village, the volume of 2800 homes does not make it a village other than on a planner's desktop. It will inevitably end up as a traditional housing type of development which is entirely unacceptable in this rural Greenbelt location, breaching every aspect of the need for Greenbelt. The Local Plan and the developer refer to this part of the plan as being modelled on Duchy sites such as Poundbury. This kind of 'sell' and idealism is wrong and

incorrect. Poundbury as a location is directly bolted on to the existing town of Dorchester and in its construction, it has the benefits of the transport links or rail and Strategic Road Network (SRN) encompassed within it. This proposed plan provides no rail nor immediate road and is not bolted on to a town within the borough but to that of a neighbouring borough, Tonbridge

INFRASTRUCTURE

The proximity of the site to the town of Tonbridge and the neighbouring Borough of the same name constitute considerable urban sprawl, especially when taken with the proposed new school site and the other planned sites in the Parish. Tonbridge will extend as urban to Paddock Wood. The choices made now must be prudent for our future. The areas of non-designated land must be prioritised ahead of any green belt development.

The area of this site is rich in its biodiversity. Tudeley is mentioned in the Domesday Book and there are records that show the land, which was even then noted for its richness for agriculture, was given as a gift from William the Conqueror to his half brother. 1000 years later the land is still agricultural and is a combination of grade 2 and grade 3 agricultural land. Grade 2 and 3 are very good and good respectively. The Planning office for TWBC are on record as referring to the agricultural land as poor during meetings held with Borough Councillors when voting on taking this option forward towards the plan. This was clear misinformation and untrue, to hear a planning office make such obvious untruths about the land raises serious concerns as to whether an abuse of process has taken place.

The building of a new town on this scale would destroy this rural environment where the biodiversity is rich and diverse, ancient trees and woodland remain, meadows, hedgerows and good quality agricultural land exists alongside each other with a small rural community built sympathetically within this rural setting. If the new town was built on the Tudeley site, the rural environment and landscape would be destroyed and lost forever, over 600 acres of very good/good agricultural land would go. It could never be replaced.

Due to the fact that Tudeley is a rural area and sustainable in that format there is no infrastructure in place to support a huge development of the proposed scale. The proposed site is NOT sustainable in that it is poorly served by public transport and residents will have no option but to drive to work. The current road infrastructure for the intended site is served only by narrow country lanes and there is inadequate capacity to accommodate the proposed housing development, the idea to close some roads would cause isolation to other rural areas such as Golden Green and the north side of East Peckham villages.

The roads are already at capacity from Tudeley into the neighbouring town of Tonbridge especially during peak rush hour times. The proposal to build new roads has yet to be produced in any planned format and these new roads would take up more Greenbelt. Any new Road would lead traffic to Tonbridge. Tonbridge itself is at road capacity. A new Road May bring the traffic in but would cause a bottleneck at Tonbridge, increase the problems within that town and impact on local, air quality, business costs and quality of life. For Tunbridge Wells to be prepared to inflict this type of devastation on a town of a neighbouring Borough displays a scant regard for cross Borough working as required in NPPF and for the communities that will suffer. Tunbridge Wells will pocket the council tax and Tonbridge and Malling will suffer the burden and demand.

The hugely detrimental impact on the neighbouring town of Tonbridge and its residents has already been recognised by its Borough Council who are strongly objecting over its soundness as a plan. Tonbridge & Nalling are still preparing their plan and will look to add housing in the area and plan around that, they should not have a neighbouring Borough's plans restrict their own provision to their own residents. Many of the residents within that town are also strongly objecting to the proposals. Residents of Tudeley being so close, use Tonbridge as their nearest town for most services including health, transport, retail and leisure services. an increase in population in the area would not only impact on the volume of traffic on the roads but would increase the number of commuters attempting to use Tonbridge railway station. Parking around the station is at capacity as are the commuter trains to London. With the other planned developments at sites already with suitable infrastructure such as Paddock Wood, Marden, Staplehurst and Ashford further along the line, trains may be at capacity prior to arrival at Tonbridge which is a rail hub. In addition to pressure on amenities such as health services, emergency services and schools.

The concern is that the development both in Tudeley and East Capel would result in the urbanisation of the entire area from Paddock Wood to Tonbridge destroying the Greenbelt and rural landscape permanently.

There is no railway station within close proximity of the proposed site. Network Rail have confirmed that there will not be a new railway station at Tudeley as it is too close to Tonbridge and Paddock Wood Stations for the 12 coach trains to alter their speed and to build a new station comes with huge cost implications. Despite this, within the plan, there is still a mention of a possible Rail Station in the future. Again, this is idealism and dreams. When the land was first offered it would seem that the idea of a rail station at the location would make it a near perfect location, without the station, it would be an urban carbuncle.

As mentioned previously, the proposed garden village development is split into two by the railway line and this goes against the principles for a garden village of one settlement and a fluid community. There are only two current crossings of this railway line, Hartlake Road bridge (Red Cow Bridge) which passes over the railway line. Hartlake Road is a wide single track road that allows vehicles travelling in opposite directions to pass; however, the bridge crossing is narrower and only allows two narrow vehicles to pass with extreme caution. The only other crossing is the road passing under the railway line at Sherenden Road. This road is a single track lane with the restricted height bridge being of the same width. The railway line is a main line used for both passenger and freight from the rest of Kent and Kent Ports and to impede this with any new crossing, which would be required would have extreme cost implications which would need to be recovered by developers and so would impact on final costs.

FLOODING

Much of the proposed development is on or near the floodplain. There have been limited flood risk assessments on the site and from living in the area, it is a known problem that the agricultural land floods. This problem will be exacerbated if 2800 homes are built on the Tudeley site and will impact not only on the immediate area but towns downstream of the River Medway, East Peckham and Yalding specifically. All these villages have their own flood issues that they are currently battling. The soil is Kent Clay and despite having a large number of irrigation culverts around most fields standing water remains moderate rainfall. Along the existing railway embankment within the planned development area there are storm type drains, where these drains exist the soil is wet for most of the year and during the winter months has several inches of standing water. Where the embankment lies by the main buildings of the current solar farm there is a permanent swamp due to the failure of the land to adequately drain. This combined with the changing climate and rising sea levels add significantly to the risk.

The proposed plan lies alongside an existing proposal to create an extensive quarry site increasing the current Stonecastle Quarries. The creation of the quarries on existing floodplain and adjacent to the River Medway May have a significant impact on the risk to flooding, the water table lying just below the surface. This fact may cause a significant risk to any adjacent housing development and will create a considerable challenge to develop a suitable sewerage facility which will be required to treat the waste for any development. In any case, the placing of a necessary sewage facility will be difficult and costly and represents a risk to the Medway River.

HOUSING

The current average house price in Tudeley is in excess of £700,000 and therefore represents an expensive location for home ownership. The idea that affordable housing can be included within any development at the location, which will be a high cost site for developers is hard to envisage. The likelihood is that what is termed affordable is in reality at the upper reach of the average household. Developers would seek to minimise the number of affordable to maximise profits and the result would mean a significant number of executive type houses. Within Five Oak Green, less than a mile from the proposed site sit two 5 bedrooomed new executive homes. Both of these homes were empty for a year since completion and ended on the rental market, this questions the need for such homes.

Similar developments in Kent have brought a number of purchasers moving from London with the ideology that they are moving to the country and the fact that they can get more house for their money against London prices. The availability of the good rail connections from Tonbridge will encourage this, irrespective of the saturation of the railway by existing commuters. This will also raise the number of vehicles that will be travelling towards rail stations.

The 2016 Government Garden Settlement paper raised questions on the need for a garden settlement. These included, the siting of a garden settlement should not be where there is an existing community, Tudeley has an existing community. Garden Settlements should seek to help support local businesses and local workers, there are no immediate existing local businesses and as stated above, many potential residents would be commuters for London. Garden settlements should have the support of the local

community, in the case of Tudeley this is a firm no and is not built of nimbyism but is supported not just by the local community but by CPRE, London Green Belt Council, Tonbridge and Malling Borough Council and many residents from Tonbridge and other towns and villages that would be significantly detrimentally affected by these proposed plans.

The site of the plan includes old iron works and more importantly Bank Farm which until recently had been a working agricultural farm. An issue with building on working farmland is the fact that farmers tend to bury their waste rather than dispose of it through commercial and costly means. The result of the iron works and farm sites within the planned site is that extensive and thorough surveys MUST take place before any works. Such surveys must look at any contaminants or hazardous waste or soil. To build housing without such a survey could lead to harm to residents and potential expensive law suits against the local authority or developers. Such a survey would be costly and take time but it is vital that such a survey be carried out before this plan is considered any further.

HERITAGE / HISTORICAL ASSETS

The proposed developments would not only alter the landscape forever but the detrimental effects of pollution would increase, in particular noise, light and air. This would impact on the immediate population and also on the heritage assets that are in the Parish and that form part of Tudeley's uniqueness. One historical asset that was chosen specifically for its location and quality of light is All Saints Church Tudeley and the world famous Marc Chagall windows. To this day this church attracts visitors from all over the world to enjoy and view the wonderful windows. On reading the visitors book recently the overriding common theme of response to the church and the setting was the word 'peaceful' used time and time again. This would disappear if the church was surrounded by 2800 houses and busy and congested roads. The whole of the area is steeped in history and is mentioned in the Domesday book. Heritage assets are irreplaceable and should be conserved for future generations, there are more than 140 listed buildings in the Parish of Capel.

LIAISON WITH TWBC

From the commencement of this process there has been a considerable lack of information, misinformation and a lack of detail from Tunbridge Wells Borough Council. Mistakes have been made and specifically to us, our home was not included and shown as a freehold property on the map of the site of Tudeley New Town. Bank Farm Cottages as a group of four cottages were covered in 'pink' and incorporated within the new town buildings. This has caused a great deal of upset and has been hugely unsettling to ourselves and our immediate neighbours as our home is one of the few properties in the centre of the proposed development. Despite being one of the few owner occupied homes, the proposed town centre is placed immediately to the front of our properties. There seems to be a total disregard for the individuals in our community and our homes and security.

This mistake was made verbally to the planning officer on 5th August 2019, a month before the Local Plan was published yet it still remained incorrectly shown on the maps. Making enquires of the main planning consultants state that our home and that of our neighbours were not included within the maps sent to the local authority and this suggests that it is indeed the local authority that have made the error. In any case it has rendered our property unsellable until the situation is corrected. If it was indeed the council's error then it is another display of poor planning and lack of attention to detail.

I would add that the Local Plan of over 500 pages makes it extremely difficult to 'translate', navigate and then to try and understand the process to respond. It should have been made so much more straightforward to encourage all to respond and have their say. This along with a very complicated portal which has continued to crash has meant that many hours have been lost by those trying to enter their response.

SUMMARY

The large scale, disproportionate proposed developments in Tudeley and East Capel are unsustainable and unsound. They contradict the key arguments to greenbelt land and the local authority have not fully considered all other options. The Parish of Capel currently consists of approximately 940 homes, to add 4000 new homes in these two sites alone would devastate this small strong rural community sitting between towns in greenbelt. The sites seem to have been chosen entirely on landownership and deliverability. The senior planner stated that having a single landowner makes it a good choice, that should not be the reason for which it is a good choice. Development should be spread across the whole borough and not concentrated in one corner, the Parish of Capel have been allocated 60% of

the Borough's development in the proposals regardless of the land being Greenbelt and its very close proximity to the neighbouring town and Borough, Tonbridge.

Any plans such as this will always have some objectors but planning policy states that they should have the general support of the community. These plans do not. In the recent local government elections the swing from the existing Councillor to the new Councillor was enormous, with the new Councillor taking 75% of the vote with a much increased turnout from 5 years ago. This was the local objection to the plan, however, the resistance goes further. The Conservatives themselves lost overall control of the council during the recent elections due to dissatisfaction with their decision making and strategy. Add to that, the concern from Tonbridge and its residents to this proposal, this is not a 'NIMBY' objection, but a real one.

The building of houses needs to be sustainable with environmentally friendly solutions and that reduce the impact on wildlife and nature, whilst meeting the needs of local people. The special circumstances of greenbelt MUST be adhered to and greenbelt should be a last resort, not a convenient option.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The insistence that Tunbridge Wells places the majority of its housing in the one location is unfair and unjust, not just to residents locally and across the Borough but also to the residents of the neighbouring Borough who will have to take the fallout from this proposal, I would go as far as to state that its underhand.

Brownfield seems to be ignored and there has been a constant blinkered approach to this plan. At one meeting, the now resigned Leader of the Council was quoted as stating to protesters, 'There's no point wasting your time, its going to happen'. That kind of comment by a person with such authority at the time, suggests deals have already been done, legitimate or not.

Another landowner offered a good size of land, still within Capel Parish, to the north of North farm Industrial Park. This site, which would be bolted on to the existing town of Tonbridge Wells and not inflict problems on a neighbouring borough offered short walks to High Brooms railway station from across the location and abutted the Strategic Road Network A21 to the east of the site. This proposal, which was supported by campaign groups and the local Parish Council was immediately dismissed by Tunbridge Wells without review or consideration yet it seems to have everything the Tudeley site has and more, without the need for increased roads, genuine transport infrastructure already available and accesible, in the case of rail, without needing a vehicle. Without splitting a site in two by a railway embankment; reduced risk of flooding and no negative impact on a neighbouring borough.

Why was this site dismissed so quickly?

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	Julia glasser [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Julia glasser [REDACTED]
Comment ID	PSLP_878
Response Date	02/06/21 11:00
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Julia Glasser
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.91, 5.92, 5.93, 5.94	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident. There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend. Therefore: 1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point **5.92** The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt? The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan. **5.93** It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3. River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made) – Ref pages 7-9 Extracts: (page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom. (Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded. The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development. It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped

that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report. *5.94 Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints.* 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible. Previous planning for access - Refused (89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons: 1 a) The proposed access would be likely to create unacceptable additional hazard to traffic. 2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic 3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality. 4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park. No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access. Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational. There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes. Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location. In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area. 2. *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;* If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused. This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

- 1 Adequate servicing and parking to serve the expanded commercial use on the site;
- 2 Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage

Stalk Lane will cause additional volume of use. This poses the following problems: 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic. 2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the "no cycling" rule there. 3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars. 4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation*
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.*

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access. 7. *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment; The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.*

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Bio-diversity is being highlighted world wide as being critical to the future of our planet and so I find it extraordinary that such a beautiful, peaceful area is being considered to be destroyed to create new housing when there are many other areas that would be more suitable. The calm and peace that many gain from walking through such delightful areas close to the town centre has been vital to the mental health of many, particularly during the past 15 months .

There have been deer , badgers, bats, foxes, bats, newts to name but a few, seen down there and to destroy that bio-diverse habitat that they have as their home, is irresponsible.

The loss of fauna would also directly affect the air and noise pollution for not only those enjoying the peace of the area, but the immediate neighbours as well.

The entrances proposed for this estate do not work either: the main entrance to the garden centre already causes traffic disruption on occasion and is hazardous to both enter and exit. The emergency exit by Cabbage Stalk Lane/ Hugershall Park would cause disruption in noise, calm and traffic should it be implemented and would probably cause major contamination to the water table which flows into the River Grom. Again, damaging immeasurable amounts of flora and fauna far beyond the immediate vicinity.

This development here would not be a wise choice as, in short, the road infrastructure cannot cope with such an increase in traffic.

There are currently many retail outlets which have shut down due to rates, the pandemic and a whole host of other reasons and it is these that I propose utilising as further residential housing. Also, there would appear to be an imbalance of new housing between the north and south of TW and maybe, the northern areas could be looked at more closely as since most traffic comes from the A21, it would help not having increased traffic flow straight through the town and historical common.

I believe the whole town structure needs to be looked at and a plan put in place that will not only increase housing, but possibly more importantly, holds on to a heritage that will encourage visitors to the area. Tunbridge Wells was a beautiful town, and we feel that we can get back to being a place that people want to visit and we are proud to live in. It wouldn't need to cost the town millions to do so either

Please consider this before irreversibly destroying such a beautiful area, which really should be protected, not built on

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

n/a

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I believe my comments above cover what my thoughts are

I would also comment that this form has been extremely difficult to comment on, it has deterred many from completing it

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_11a-b

Comment

Agent	Mr Mike Pickup [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Town and Country Planning Solutions
Address	- - -
Consultee	Gleeson Strategic Land [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_208
Response Date	18/05/21 10:03
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_208-209_TCPS for Gleeson Strategic Land SI-2 Appendix 1.pdf PSLP_208-209_TCPS for Gleeson Strategic Land SI-1.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gleeson Strategic Land
Question 2	

Agent's Name and Organisation (if applicable)

Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR1: The Development Strategy

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

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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Introduction

- 1 These representations are submitted on behalf of Gleeson Strategic Land (Gleeson) who have previously made representations to the Council at all the 'plan making' stages of the new Borough wide Local Plan. Gleeson are concerned that notwithstanding these previous representations, the Council appears not to have taken them into account in producing the latest 'Pre-Submission' stage of the Local Plan.
- 1 The previous representations submitted on behalf of Gleeson related to the Council's proposed Development Strategy, the Council's Green Belt Study, Local Green Space Assessment and Strategic Housing and Employment Land Availability Assessment (SHELLA), which taken together, related to the promotion of an 'omission housing site' at Sandown Park on the northern side of Pembury Road at Royal Tunbridge Wells (RTW) – which is Green Belt land this in now the subject of a draft designation for Local Open Space (under Policy EN15) as shown on Inset Map 1 of the Pre-Submission draft version of the Local Plan (see the extract below).
[TWBC: for extract image, see full representation attached].
- 1 These further representations reflect Gleeson's continuing concerns that the Council has failed to properly consider the opportunity and benefit of releasing part of this land to contribute to the Council's housing requirement. Instead, the Council has unreasonable and without justification,

chosen to allocate the land as Local Open Space (which is the subject of separate representations submitted on behalf of Gleeson).

- 1 In order for these latest representations to be manageable as part of the Local Plan Examination, they have been submitted under the same headings as previously (i.e. in response to the Council's Development Plan Strategy, Green Belt Study, Local Open Space Assessment and SHELAA) but need also to be considered together to paint the wider picture of Gleeson's concerns about the way the draft local Plan has been produced.
- 1 These specific representations are focussed upon objections to the Council's proposed Development Strategy set out in draft Policies STR1 and STR/RTW1 and Policy Map 1 for Royal Tunbridge Wells and Southborough.

Gleeson's case for objecting to the draft Development Strategy

- 1 The Borough Council's proposed Development Strategy for the Borough is set out in draft Policy STR1 (Development Strategy) of the Pre-Submission Draft version of the Borough Local Plan (2020 – 2038) published in March 2021. The development strategy for Royal Tunbridge Wells and Southborough is set out in draft Policy STR/RTW1 and development proposals for this main 'regional hub' settlement are shown on Inset Map 1. Gleeson object to these draft policies in being fundamentally flawed in failing to have proper regard and weight to all available options to accommodate future growth and in particular, the available Gleeson site at Sandown Park at Royal Tunbridge Wells (RTW). For the reasons examined in these representations, it is Gleeson's case that this land is not only available but also it is suitable for housing use in a highly sustainable edge of settlement location and that as such it should be allocated for housing and open space use as a revision to Inset Map 1 of the Plan.
- 1 Gleeson welcome the Council's intention to meet in full the Borough's assessed housing requirement over the period 2021 – 2038 amounting to 12,200 additional dwellings (at an average of 678 dwellings per year). Based upon the Housing Land Supply. The Council's Housing Land Supply Assessment at 31st March 2020, confirms that based upon this requirement, a further 7,221 dwellings will be needed up to 2038 (taking into account existing housing allocations that remain unimplemented (276 dwellings) but excluding any provision for unmet housing need for an additional 1,900 dwellings required in neighbouring Sevenoaks District (referred to in paragraph 4.12 of the draft Plan).
- 1 Paragraph 4.43 of the draft Plan acknowledges that;
4.43 It is found that, even promoting all suitable SHELAA sites for allocation in the Local Plan, the borough could meet only a fraction of its housing need without the provision for strategic sites, namely the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at 'Tudeley Village'. With these proposals, the Local Plan can meet the housing need in line with the NPPF's standard method.
- 1 While it is undoubtedly the case the unmet part of the future housing requirement could not met without releasing Green Belt land at Paddock Wood and at Tudely Village, the main focus should rightly be upon making the best use of previously developed and underutilised land within the existing 'Limits to Development Boundaries' (LBDs) of settlements, but also in ensuring that all potentially suitable housing sites around the Borough's main regional hub settlement of RTW have first been properly examined and assessed so as to minimise the release of land in less sustainable Green Belt and other locations elsewhere.
- 1 Furthermore, when producing the initial 'Issues and Options' consultation document back in May 2017, the Council identified six possible options for meeting such needs or indeed, a combination of such options. The Distribution of Development Topic Paper (September 2019) confirms (at paragraph 5.5) that the option identified to potentially deliver development along the A21 on the eastern side of RTW as a 'Growth Corridor' was by far the most supported of the options by respondents (60%). The Council's current Core Strategy Development Plan Document adopted in June 2010 recognises RTW (together with Southborough) as the 'Main Urban Area' and in being by far the most sustainable settlement in the Borough with a wide range of facilities and which the former South East Plan (May 2009) recognised as performing an important role as a 'Regional Hub'. Indeed, the former South East Plan identified a need to review Green Belt land around RTW and Southborough as a potential location to accommodate future development needs in a sustainable manner.
- 1 Moreover, notwithstanding that RTW (with Southborough) is by far the largest and most sustainable settlement within the Borough, throughout the stages of the Local Plan production, there has been no joined-up approach in assessing housing potential on sites around the eastern side of

RTW that are also located within the potential A21 Growth Corridor, and this potential has not been assessed or weighed against alternatives. Instead, the Council's Green Belt study (Final Report dated July 2017) has in the main, ruled out the release of Green Belt land for housing purposes on the eastern side of RTW because of the claimed effect of this being 'high' when assessed against Green Belt Policy functions set out in paragraph 134 of the National Planning Policy Framework (NPPF) February 2019.

- 1 A clear example of this is the land being promoted for housing purposes by Gleeson at Sandown Park on the northern side of Pembury Road at RTW. Gleeson's proposals are shown on an illustrative masterplan (Appendix 1 attached) submitted to the Council previously, which should be considered in conjunction with other detailed supporting documents submitted as part of Gleeson's other representations in relation to the Pre-Submission draft Local Plan.
- 1 While this proposal would result in the removal of some 3 hectares of Green Belt land in order to provide 70 – 80 dwellings, this can be achieved in the form of a minor urban extension that would round off development within this eastern part of Tunbridge Wells. This can also be achieved without giving rise to any harm to the extent of the retained Green Belt land that would continue to prevent the urban coalescence of Tunbridge Wells with Pembury, which is located on the opposite side of the A21 to the east.
- 1 As part of Gleeson's proposals, some 3.3 hectares of associated land located between the proposed housing allocation and the A21 would be retained within the Green Belt, but managed and enhanced by new structural landscape planting and set aside for informal recreational use. This would therefore, not only retain the land's Green Belt function, but would also make compensatory strengthening improvements by landscape enhancement and future management, as well as providing new public access on informal open recreational space where there is none at present.
- 1 This proposal, which Gleeson originally presented to the Council back in March 2018, would be similar to the form of the proposed housing allocations elsewhere at RTW with land released from the Green Belt at proposed sites AL/RTW 5, AL/RTW 14 and at AL/RTW 19. The Council has not put forward any compelling justification as to why it would not be sustainable or in line with the Council's draft Development Strategy Policies STR1 and STR/RTW1.
- 1 For reasons set out in other current representations submitted on behalf of Gleeson, the Council's July 2017 Stage Two Green Belt Study is seriously flawed in the way that it has assessed the potential of the land for housing purposes. This is because the Council's Study assumes the removal of **all** of the Green Belt land between the current built up confines of RTW and the A21 Pembury by-pass and by concluding that in doing so the degree of harm would be 'high'.
- 1 As the Council was already aware from previous consultations with Gleeson in relation to this site, this **is not what was being proposed** and the Gleeson scheme has not therefore been assessed (or indeed reassessed) in any fair, reasonable or proportional way, nor has it been assessed against the much greater potential harm of removing land from the Green Belt at a wholly unsustainable location at Tudeley Village (which has also been assessed in the Green Belt Study as also having a 'High' adverse impact).
- 1 The Council's proposed Development Strategy should therefore, be reviewed in order to properly and fairly reassess the full potential of the releasing Green Belt land around RTW within the A21 corridor, as one of the most sustainable options to help meet the housing requirement, **before** considering and assessing other less sustainable options such as removal of the land from the Green Belt at other less sustainable locations beyond Tunbridge Wells.

List of Appendices

- 1 Illustrative Masterplan Drawing no. 1232/02. [TWBC: see full representation attached].

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.

Include the omission site for housing within the RTW Limit to Built Development for the reasons set out in the representations attached

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)

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If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

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 present the case on behalf of Gleeson Strategic Land

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-1.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-2_Appendix 1.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_13a-d

Comment

Agent	Mr Mike Pickup [REDACTED]
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Consultee	Gleeson Strategic Land [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_221
Response Date	18/05/21 10:51
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_221_TCPS for Gleeson Strategic Land SI-1 Redacted.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-4 Appendix 3 Illustrative Masterplan.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-2 Appendix 1 Extract from TWBC Green Belt Study.pdf PSLP_221_TCPS for Gleeson Strategic Land SI-3 Appendix 2 Land at Sandown Park.pdf
Data inputter to enter their initials here	HB
Question 1	

Respondent's Name and/or Organisation Gleeson Strategic Land

Question 2

Agent's Name and Organisation (if applicable) Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

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. These representations are prepared and submitted on behalf of Gleeson Strategic Land (Gleeson) in relation to the Council's 'Tunbridge Wells Green Belt Study' Final Report dated July 2017 that has been prepared to inform the Development Strategy currently set out in draft Policy STR1 (Development Strategy) of the Pre-Submission draft of the Local Plan published in March 2021. Gleeson considers this study to be seriously flawed in failing to properly assess the housing potential of Green Belt land release adjoining Royal Tunbridge Wells (RTW) at Sandown Park, to the north of Pembury Road.
2. In response to the Council's 2017 Stage 2 Study, Gleeson commissioned its own Green Belt Assessment (dated February 2019) and this was previously submitted to the Council for its consideration on 10th May 2019. This is being resubmitted again as part of this current Regulation 19 representation (see Appendix 1 attached).
3. This Assessment by Gleeson relates to the part of the Council's Green Belt study associated with assessing potential harm if the land parcel 'TW5' (which extends between the Tunbridge Wells built

up area boundary to the west and the A21 Pembury by-pass to the east – see Appendix 2) were to be removed from the Green Belt judged against the five purposes of such Green Belt designation as set out in paragraph 134 of the National Planning Policy Framework (NPPF) February 2019.

4. The Gleeson proposal **does not** however, seek the release of the whole of the land parcel 'TW5' from the Green Belt. As shown on the illustrative Master Plan drawing reproduced in Appendix 3 attached, the Gleeson proposal seeks the release of approximately 3 hectares of land from the Green Belt to provide circa 70 – 80 dwellings on land immediately adjacent to the existing built up confines of Tunbridge Wells, thereby 'rounding off' existing development within this part of town. The adjoining 3.3 hectares of land immediately to the east of the proposed housing site would however, be retained within the Green Belt. The landscaped character of this 'retained land' would be enhanced by new structural planting and its proposed future maintenance as an area of publically accessible informal open recreational space, would strengthen the current contribution it makes to its Green Belt function.

5. The Green Belt Assessment undertaken by the Gleeson appointed consultants' 'The Environmental Dimension Partnership Ltd. (EDP) looks instead at how the Gleeson proposed Green Belt housing release and open space proposal performs when tested against the NPPF Green Belt functions. Based upon this assessment, the land proposed for housing use by Gleeson provides a 'low contribution to the Green Belt purposes' for the reasons set out in the EDP report. The EDP report concludes that the limited properties of the Green Belt land that the Gleeson site represents, together with the distinct relationship between the site and Tunbridge Wells; limited inter-visibility between the site and Pembury to the east and the comparatively effective defensible edge that the site would provide, would all combine to ensure that the removal of this land from the Green Belt would not cause unacceptable harm to the wider Green Belt function.

6. Indeed, the Gleeson proposal first presented to the Council over 3 years ago, would be similar and directly comparable to the Council's proposed housing allocations elsewhere at the edge of RTW as part of draft Policies AL/RTW5, AL/RTW14 and AL/RTW16. As with the Gleeson proposal, these three allocations would require the removal of Green Belt land for housing development and the retention of adjoining Green Belt land as associated open and recreational space.

7. For the reasons set out in the EDP Assessment (Appendix 2 attached), previously submitted to the Council as part of the submissions made at the Consultation draft Local Plan stage, Gleeson urged the Council to review its 2017 Green Belt study to properly assess the housing potential of the Gleeson land in order to fairly, reasonably and objectively assess this potential against other proposed Green Belt housing land release elsewhere in the Borough beyond RTW. The Council has failed to do so and therefore, Gleeson are seeking such a fair and reasonable formal review as part of the Examination of Pre-Submission Draft version of the Local Plan.

List of Appendices [TWBC: Please see supporting documents]

1. Extract from the TWBC Green Belt Study Stage 2 – Appendix A Royal Tunbridge Wells (Site no. TW5).
2. Land at Sandown Park, north of Pembury Road, Tunbridge Wells; Green Belt Assessment by The Environmental Dimension Partnership Ltd. (May 2019).
3. Illustrative Masterplan drawing no. 1232/02.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include the omission site for housing within the RTW Limit to Built Development for the reasons set out in the representations attached

[TWBC: Please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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To present the case on behalf of Gleeson Strategic Land

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If you would like to attach a file in support of your comments, please upload it here. [PSLP_221_TCPS for Gleeson Strategic Land SI-2 Appendix 1 Extract from TWBC Green Belt Study.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_221_TCPS for Gleeson Strategic Land SI-3 Appendix 2 Land at Sandown Park.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_12a-q

Comment

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Company / Organisation	Gleeson Strategic Land
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Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_213
Response Date	18/05/21 10:43
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.17
Files	PSLP_213_TCPS for Gleeson Strategic Land_SI-4_Appendix 3_Pre-application Advice.pdf PSLP_213_TCPS for Gleeson Strategic Land_SI-6_Appendix 5_Response to TW Borough Council.pdf PSLP_213_TCPS for Gleeson Strategic Land_SI-16_Appendix 13_SHELAA Assessment Site 99 July 2019.pdf PSLP_213_TCPS for Gleeson Strategic Land_SI-17_Appendix 14_SHELAA Assessment Site 99 January 2021.pdf PSLP_213_TCPS for Gleeson Strategic Land_SI-13_Appendix 10_Response from Kent County Council.pdf

[PSLP 213 TCPS for Gleeson Strategic Land SI-9 Appendix 7b Landscape and Visual Appraisal.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-14 Appendix 11 Revised Masterplan Drawing.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-7 Appendix 6 Green Belt Assessment.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-10 Appendix 8 Archaeological and Heritage Assessment.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-3 Appendix 2 Site 99.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-2 Appendix 1 Site 291.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-1 Redacted.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-12 Appendix 9b Technical Note.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-15 Appendix 12 Revised Access Drawing.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-11 Appendix 9a Technical Note.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-5 Appendix 4 Pre-application Advice Response.pdf](#)
[PSLP 213 TCPS for Gleeson Strategic Land SI-8 Appendix 7a Landscape and Visual Appraisal.pdf](#)

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HB

Question 1

Respondent's Name and/or Organisation

Gleeson Strategic Land

Question 2

Agent's Name and Organisation (if applicable)

Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
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- . It is not justified

Question 5

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- 1 These representations on behalf of Gleeson Strategic Land (Gleeson) relate to the Pre-Submission draft version of the Tunbridge Wells Local Plan published in March 2021. Gleeson has an interest in land known as 'Sandown Park' located on the northern side of Pembury Road immediately adjoining the built up limits of Royal Tunbridge Wells (RTW) on the eastern edge of the town.
- 1 These representations (which comprise one of a number of other representations submitted to the Borough Council) relate to the Council's assessment of the land's potential for housing purposes in the latest iteration of the Strategic Housing and Employment Land Availability Assessment (SHELAA) and the Council's published 'Site Assessment Sheets for Royal Tunbridge Wells' dated January 2021.
- 1 Gleeson's have made representations to the Council at all stages leading up to the current Pre-Submission draft of the Local Plan being published in March 2021. In the Council's original 'Site Allocations Development Plan Document: Site Templates Green Belt and Rural Fringes Supporting Information' produced in February 2015, the land at Sandown Park was identified as site number 291 (see Appendix 1 attached). The land was noted as being 'adjacent to the high Weald Area of Outstanding Natural Beauty' (HWAONB), the boundary of which runs along the southern side of Pembury Road.
- 1 In April 2017, the Council then published a Strategic Housing and Employment Land Availability Assessment (SHELAA) as a 'Draft Interim Report' with the land at Sandown Park being identified as site no. 99 (see Appendix 2 attached). The site assessment not only noted the site as being 'enclosed' and 'well screened', but also noted its various sustainability credentials in relation to its proximity to local schools, the food store Tesco at Pembury to the east as well as local bus services and the National Cycle Route 18 adjacent to the site. This assessment made no mention (and presumably therefore, raised no significance) to the site being adjacent to the HWAONB boundary on the opposite side of Pembury Road to the south.
- 1 In response to this publication, Gleeson submitted representations explaining that since promoting the land for housing purposes at the Site Allocations Local Plan Examination in November 2015 (Representation no. SAL-S-732), extensive additional assessment work had been undertaken and various survey assessment reports and studies (in relation to ecology, landscape, archaeology, arboriculture and transport) in addition to an illustrative layout plan, were all submitted for the Council's consideration in May 2017.
- 1 Subsequent to this, further supporting documents were prepared and submitted to the Council as part of a 'pre-application' request by Gleeson on 2nd March 2018 (Appendix 3), to which the Council provided a response on 9th May 2018 (Appendix 4). While this consultation was through the Council's 'pre-application' advice service, it was made clear at the time that Gleeson's proposal related to submissions associated with the emerging Local Plan seeking the potential allocation of the land for housing proposes and for informal recreation.
- 1 On 10th May 2019 (Appendix 5), Gleeson responded to the matters raised by the Council in its pre-application advice dated 9th May 2018. This was accompanied by four additional supporting

/ amending documents (together with a consultation response from the Highway Authority that was dated 5th February 2019) to provide a revised Illustrative Layout Plan and a revised Access Drawing no. ITB12398-GA-005. In order to ensure that these supporting documents and illustrative drawings are considered as part of the Regulation 19 Examination, they have been resubmitted again with these current representations and now form Appendices 6 – 12 attached.

- 1 Given this previous dialogue with the Council and the submission of detailed and comprehensive supporting documents, it is of considerable concern to Gleeson that none of these previous representations were then been taken into account in the Council's subsequent iteration of the SHELAA dated July 2019, (in which site no. 99 formed part of the 'Site Assessment Sheets for Royal Tunbridge Wells' - Appendix 13) and in the most recent version of the SHELAA for Royal Tunbridge Wells January 2021 now forming Pre-Submission documents to be considered and assessed as part of the Local plan Examination .
- 1 Furthermore, the Council's previous 'Sustainability Appraisal' (published with the Consultation Draft of the Local Plan published in September 2019) for the site was also seriously flawed and the 'negative scores' given (which were not set out in any detail) were unjustified given that (as demonstrated by the supporting documents previously submitted to the Council by Gleeson), any impact is capable of being mitigated. Furthermore, significantly the Council's flawed assessment claimed (incorrectly) that the site is *"in the Area of Outstanding Natural Beauty"*.
- 1 The Council's 2019 Sustainability Assessment stated that *"Negative scores are given for air, climate change, heritage land use, landscape and noise"* and that *"high harm"* would be caused if the land were to be released from the Green Belt and there were also *"highway concerns"*.
- 1 The Council's Sustainability Appraisal (September 2019) included a table of 'scores' for the site (number 99) in Appendix E on page 165 which stated that;
"This site scores a number of neutral scores with some positive ones. Negative scores are given for air, climate change, heritage, land use, landscape and noise. The site is a greenfield site in the AONB, part of a Green Belt parcel of land that would cause high harm if released from the Green Belt. The location of the site along Pembury Road relative to distance to key services and facilities is likely to encourage car use. This has informed the air score and climate change score given. Noise score reflects location along the busy Pembury Road. The site forms part of the landscape setting of the main urban area of Tunbridge Wells and helps prevent coalescence between Tunbridge Wells and Pembury, the frontage is within the Conservation Area. This has influences the heritage and landscape scores given."
- 1 In the most recent version of the Council's 'Sustainability Appraisal of the Pre-Submission Local Plan' dated February 2021, the Gleeson site has simply been 'screened out' presumably as a consequence of the Council's previous flawed 2019 Sustainability Appraisal. The site (no. 99) is referred to as a 'reasonable alternative site' in the table on page 131 and its location is shown in Figure 10, but there is no updated assessment notwithstanding the comprehensive nature of the representations (and supporting documentation) submitted by Gleeson previously. Page 137 of the most recent Sustainability Appraisal merely states;
"On the whole, the reasonable alternatives that were not chosen for allocation had more negative scores than those that were allocated. In some locations across the settlement, reasonable alternative scores reflected the sensitivity of the local environment for example sites near the northern stretch of the Pembury Road."
- 1 As there has been no opportunity for Gleeson to have their objection to the Council's SHELAA Assessment and Sustainability Appraisal scoring for the site considered formally by an independent Local Plan Examiner, Gleeson's case has been restated again below;
 - i) 'Air score and climate change score'
- 1 The Council's previous Assessment stated *"The location of the site along the Pembury Road related to distance to key services and facilities is likely to encourage car use. This has informed the air score and the climate change score given"*.
- 2 As demonstrated by the Transport Assessment submitted to the Council previously however and as previously recognised by the Council in its 2015 'Site Templates' document, the site is in fact well located in relation to a number of local facilities including a number of schools within 200m – 2,800m distance, the Pembury Tesco store within 1,000m distance as well as Pembury Hospital within 1,500m distance. There are also convenient bus stops close by along both sides of Pembury Road which provide service connections to Tunbridge Wells town centre and the mainline rail station. In addition, the site is also well related to employment opportunities at North Farm Industrial

Estate and Knights Park. The Gleeson land is also located immediately adjacent to part of the designated National Cycle Network.

- 1 The site is therefore, in a sustainable location where there are opportunities for a range of means of transport that do not rely on car use. Indeed, as the largest town with the greatest range of facilities than any other settlement within the Borough, this edge-of-town location must reasonably be regarded as a far more sustainable location than other more remote sites being promoted elsewhere by the Council in the Pre-Submission draft Local Plan, which are bound to lead to much greater car use and longer car trips due to the lack of alternative means of transport and / or distance to facilities. This includes the Council's proposal for a new 'garden village' at Tudeley and at other locations elsewhere in the Borough.

ii) 'Heritage, land use'

- 1 The Archaeological and Heritage Assessment by EDP (May 2019) – Appendix 8, clearly demonstrates that the site could be developed in a form that would have no significant impact on any Heritage Assets (including the Tunbridge Wells Conservation Area boundary that runs along the Pembury Road frontage and the Grade II listed building located at Pembury Grange some 200m to the north of the site) and the site does not have any known significance in terms of archaeology.

iii) 'Landscape'

- 1 The site has been the subject of a comprehensive Landscape Impact Assessment (Appendix 7), which again demonstrates that the land is capable of development in form that would have no harmful impact upon the character and appearance of the site or its wider landscaped setting. The majority of the trees along the road frontage would be retained (save for the few that need to be removed in order to provide a suitable means of vehicular and pedestrian access) and these can be reinforced with new planting. As such, the landscape setting along this part of Pembury Road in approaching Tunbridge Wells from the east, would not be harmed and could be enhanced so that there would be no harmful impact upon the part of the Tunbridge Wells Conservation Area that extends along the northern side of Pembury Road.

iv) 'Noise'

- 1 Like any site abutting a road frontage, there is potential for some degree of exposure to road traffic and noise. The illustrative layout plan (Appendix 11) indicated however, that the proposed housing area would be set well back from the road frontage and with suitable sound mitigation measures adopted if required, there is no reason why road noise should in any way limit the site's potential for housing purposes.

v) 'Green Belt'

- 1 For the reasons put forward in the Green Belt Impact Assessment Report (Appendix 6) and in other separate representations submitted in relation to the Pre-Submission Draft Local Plan, the Council's own Green Belt Study (June 2017) in relation to this land is severely flawed and unreasonable. The Council's Green Belt Study looks at the effect of the removing the whole of the land between the existing built up area of Tunbridge Wells and the Pembury by-pass from the Green Belt, which is expressed as 'high', whereas this **is not** the proposal being put forward by Gleeson. It remains unclear why, given that Gleeson had raised concerns previously with the Council in the way that its Green Belt Study has been undertaken, there has been no revision in selecting suitable sites for proposed release within the Green Belt at this location.
- 1 The Gleeson proposal is not to release the whole of the 6.5 hectare area of land for development as appears to have been assessed in the Council's latest SHLAA iteration in July 2019 (Appendix 13). As clearly shown by the illustrative layout plan (Appendix 11) submitted to the Council previously, the Gleeson proposal is to only develop the western part of the site for 70 – 80 dwellings next to the existing development boundary and to retain the rest of the land within the Green Belt for use as informal recreation. Thus, the housing element released from the Green Belt would be closely related (and effectively round-off) existing built up limits to this part of RTW and the land to be retained within the Green Belt, as well as being made publically accessible for informal recreation, would help ensure retention of a significant green gap (with proposed structural planting and future management) so as to maintain and enhance its Green Belt function in preventing the coalescence between Tunbridge Wells and Pembury.
- 1 The Gleeson proposal submitted to the Council back in March 2018, would be in a similar form to that now proposed in relation to allocations AL/RTW5, AL/RTW14 and AL/RTW16 elsewhere

on the edge of RTW, that involve releasing land from the Green Belt for housing purposes but also retaining adjoining land within the Green Belt for associated recreational use.

vi) 'Highway' Impact

- 1 Following the submission of the previous supporting transport documents (Appendices 9 and 10), the Council is aware that Gleeson has had a previous dialogue with the Highway Authority at Kent County Council. The Highway Authority's latest response (Appendix 10) does not raise any fundamental concerns as to why a sustainable means of access for Pembury Road cannot be achieved as indicated on Access Drawing no. ITB12398-GA-005 (Appendix 12). This was modified in light of the Highway Authority's latest response and also so as to minimise its visual impact on this part of the road frontage in light of comments contained in the Council's 'Pre-Application Advice' response in May 2018 (Appendix 4).
- 1 The Council's supporting Consultation draft document 'Limits to Built Development) Topic Paper (August 2019) stated (in paragraph 7.2) that *"Reviewing the LBD's will also ensure that development will be focused in those settlements which are most sustainable in terms of providing facilities and services..."*. It also contained (at paragraph 7.6) a schedule of criteria that the Council claims to have used to determine land that should or should not be included within LBD's.
- 1 The assessment criteria is now set out in Table 1 of the Limits to Built Development Topic Paper publish in February 2021. The Gleeson proposal is to extend the RTW LBD to include approximately 3 hectares of land for housing purposes (for 70 – 80 dwellings) and release this land from the Green Belt. The proposal is also to retain the rest of the Gleeson land (some 3.3 hectares) immediately to the east of the housing allocation within the Green Belt and to undertake structural planting (with future management) so that this can become publically accessible as informal open recreational space.
- 1 Having regard to the Council's Table 1 criteria, the Gleeson proposal would be adjacent to and form a logical extension to the built up area and not result in harmful protrusion into the countryside (criteria a); it would not result in coalescence and retain the gap with Pembury on the eastern side of the A21 (criteria b); it will have no adverse impact on landscape character with the layout, landscaping and open space proposed (criteria d), the release of the housing land from the Green Belt is justified on the same basis as the other edge of settlement allocations proposed at RTW, and with no adverse impact on other designated areas of national and local landscape, archaeological, geological, ecological or heritage importance (criteria d); the proposal will relate well and be in keeping with the form and function of RTW (criteria e); will not extend linear features or result in ribbon development as the housing element would reflect the depth of the site (criteria f) and the would be reasonable access to local facilities and services using non-private car mode (criteria g).
- 1 The various supporting documents produced by Gleeson and submitted to the Council previously (and resubmitted with these representations) demonstrate therefore, that this proposal would meet all the relevant criteria listed in the Topic Paper – selection criteria schedule, such as to warrant the allocation of the housing land and to accordingly extend the RTW LBD to include the land on Inset Map 1 of the Submission draft version of the Local Plan. Instead, the Gleeson land has not been fairly or properly objectively assessed in the Council's latest iteration of its SHLAA, nor has the proposed housing element been considered as a potential RTW LBD amendment on the schedules for RTW listed on pages 67 – 73 (and Figure 19) of the LBD Topic Paper.
- 1 Gleeson also considers that their site has previously been unreasonably assessed and given low sustainability scores when considered against other potential housing sites at RTW and most notably former SHELAA site 137, which was subsequently proposed to be released from the Green Belt to provide approximately 270 dwellings in the consultation version of the Local Plan as draft Policy AL/RTW 18 (now allocated under Policy AL/RTW16). The previous SHELAA Sustainability Assessment notes that *"The scores for this site are mixed"* and include negative scores for air quality due to increased car use on the A26 and in terms of noise, the site is near to the main Gatwick flight path as well as road noise. There are also negative Green Belt loss and landscape impact scores and a negative heritage score due to compromising the setting of a Hill Fort (a scheduled Ancient Monument) and the complete loss of an assart field.
- 1 As can be determined by comparing the Sustainability Appraisal for this now allocated site and the unallocated Gleeson land, the overall 'scores' for the two sites are similar and there is simply no sound justification for allocating one site and not the other. The Council approach to 'plan making' has clearly been inconsistent in this respect.

Conclusions

- 1 For the reasons set out in these representations on behalf of Gleeson, it is considered that the Council's latest SHLAA assessment for Royal Tunbridge Wells site no. 99 is severely flawed and that this has resulted in unjustified and unreasonably negative 'scores' that has counted against the Council considering this site as a suitable edge of main settlement Green Belt release for housing purposes. This in turn, has resulted in site no.99 being unreasonably excluded from the updated Sustainability Assessment and as a consequence, not allocated as a housing and informal open space allocation on Inset Map 1, with the RTW 'Limits to Built Development' boundary.
- 1 As such, it is Gleeson's case that the Council's evidence in support of its decision to exclude Site no.99 as a housing and open space allocation has not been positively prepared and is unjustified and ineffective and therefore, conflicts with Government advice set out in paragraph 35 of the National Planning Policy Framework (NPPF) February 2019.
- 1 Gleeson therefore, requests that the Examination Inspector now provides them with a formal opportunity to review the Council's SHLAA assessment (and Sustainability Appraisal) for Royal Tunbridge Wells site no. 99 in light of these representations, to ensure that the site is fairly assessed as a suitable housing alternative to others being promoted by the Council at the Regulation 19 stage, and to include the Gleeson land as an allocated site on Policy Map 1 of the Local Plan.
- 1 It should be noted that these representations should also be read in conjunction with other representations submitted on behalf of Gleeson in relation to the Council's proposed Development Strategy, Green Belt Review and the proposed new policy relating to Local Open Space Designations.

List of Appendices [TWBC: Please see supporting documents]

- 1 Tunbridge Wells Borough Council Local Plan – Site Allocations Development Plan Document; Site Templates Green Belt and Rural Fringe Supporting Information – February 2015 Site 291; Land at Sandown Park.
- 1 Tunbridge Wells Borough Local Plan – Strategic Housing and Economic Land Availability Assessment; Draft Interim Report April 2017 Site 99; Land at Sandown Park.
- 1 Pre-Application Advice request (letter dated 2nd March 2018).
- 2 Tunbridge Wells Borough Council response to Pre-Application Advice request (letter dated 9th May 2018).
- 3 Response relating to matters arising following Tunbridge Wells Borough Council's response (letter dated 10th May 2019).
- 4 Green Belt Assessment by EDP dated May 2019.
- 5 Landscape and Visual Appraisal by EDP dated May 2019.
- 6 Archaeological and Heritage Assessment by EDP dated May 2019.
- 7 Technical Note by i Transport dated 14th December 2018.
- 8 Response from Kent County Council (Highway Authority) dated 5th February 2019.
- 9 Revised Masterplan Drawing no. 1232.02.
- 10 Revised Access Drawing no. ITB12398-GA-005.
- 11 SHELAA Site Assessment Sheets for Royal Tunbridge Wells (Site 99) July 2019.
- 12 SHELAA Site Assessment Sheets for Royal Tunbridge Wells (Site 99) January 2021.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Include the omission site for housing within the RTW Limit to Built Development for the reasons Set out in the representations attached [TWBC: Please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To present the case on behalf of Gleeson Strategic Land

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

See representations attached [TWBC: Please see supporting documents]

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 213 TCPS for Gleeson Strategic Land SI-1 Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 213 TCPS for Gleeson Strategic Land SI-2 Appendix 1 Site 291.pdf](#)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 213 TCPS for Gleeson Strategic Land SI-3 Appendix 2 Site 99.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_11a-b

Comment

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Email Address	[REDACTED]
Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_209
Response Date	18/05/21 10:03
Consultation Point	Policy STR/RTW 1 The Strategy for Royal Tunbridge Wells (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_208-209_TCPS for Gleeson Strategic Land SI-2 Appendix 1.pdf PSLP_208-209_TCPS for Gleeson Strategic Land SI-1.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Gleeson Strategic Land
Question 2	

Agent's Name and Organisation (if applicable) Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/RTW 1: The Strategy for Royal Tunbridge Wells

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

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.

Introduction

- 1 These representations are submitted on behalf of Gleeson Strategic Land (Gleeson) who have previously made representations to the Council at all the 'plan making' stages of the new Borough wide Local Plan. Gleeson are concerned that notwithstanding these previous representations, the Council appears not to have taken them into account in producing the latest 'Pre-Submission' stage of the Local Plan.
- 1 The previous representations submitted on behalf of Gleeson related to the Council's proposed Development Strategy, the Council's Green Belt Study, Local Green Space Assessment and Strategic Housing and Employment Land Availability Assessment (SHELLA), which taken together, related to the promotion of an 'omission housing site' at Sandown Park on the northern side of Pembury Road at Royal Tunbridge Wells (RTW) – which is Green Belt land this in now the subject of a draft designation for Local Open Space (under Policy EN15) as shown on Inset Map 1 of the Pre-Submission draft version of the Local Plan (see the extract below).
[TWBC: for extract image, see full representation attached].
- 1 These further representations reflect Gleeson's continuing concerns that the Council has failed to properly consider the opportunity and benefit of releasing part of this land to contribute to the Council's housing requirement. Instead, the Council has unreasonable and without justification,

chosen to allocate the land as Local Open Space (which is the subject of separate representations submitted on behalf of Gleeson).

- 1 In order for these latest representations to be manageable as part of the Local Plan Examination, they have been submitted under the same headings as previously (i.e. in response to the Council's Development Plan Strategy, Green Belt Study, Local Open Space Assessment and SHELAA) but need also to be considered together to paint the wider picture of Gleeson's concerns about the way the draft local Plan has been produced.
- 1 These specific representations are focussed upon objections to the Council's proposed Development Strategy set out in draft Policies STR1 and STR/RTW1 and Policy Map 1 for Royal Tunbridge Wells and Southborough.

Gleeson's case for objecting to the draft Development Strategy

- 1 The Borough Council's proposed Development Strategy for the Borough is set out in draft Policy STR1 (Development Strategy) of the Pre-Submission Draft version of the Borough Local Plan (2020 – 2038) published in March 2021. The development strategy for Royal Tunbridge Wells and Southborough is set out in draft Policy STR/RTW1 and development proposals for this main 'regional hub' settlement are shown on Inset Map 1. Gleeson object to these draft policies in being fundamentally flawed in failing to have proper regard and weight to all available options to accommodate future growth and in particular, the available Gleeson site at Sandown Park at Royal Tunbridge Wells (RTW). For the reasons examined in these representations, it is Gleeson's case that this land is not only available but also it is suitable for housing use in a highly sustainable edge of settlement location and that as such it should be allocated for housing and open space use as a revision to Inset Map 1 of the Plan.
- 1 Gleeson welcome the Council's intention to meet in full the Borough's assessed housing requirement over the period 2021 – 2038 amounting to 12,200 additional dwellings (at an average of 678 dwellings per year). Based upon the Housing Land Supply. The Council's Housing Land Supply Assessment at 31st March 2020, confirms that based upon this requirement, a further 7,221 dwellings will be needed up to 2038 (taking into account existing housing allocations that remain unimplemented (276 dwellings) but excluding any provision for unmet housing need for an additional 1,900 dwellings required in neighbouring Sevenoaks District (referred to in paragraph 4.12 of the draft Plan).
- 1 Paragraph 4.43 of the draft Plan acknowledges that;
4.43 It is found that, even promoting all suitable SHELAA sites for allocation in the Local Plan, the borough could meet only a fraction of its housing need without the provision for strategic sites, namely the substantial expansion of Paddock Wood (including land at east Capel) and the creation of a new garden settlement at 'Tudeley Village'. With these proposals, the Local Plan can meet the housing need in line with the NPPF's standard method.
- 1 While it is undoubtedly the case the unmet part of the future housing requirement could not met without releasing Green Belt land at Paddock Wood and at Tudeley Village, the main focus should rightly be upon making the best use of previously developed and underutilised land within the existing 'Limits to Development Boundaries' (LBDs) of settlements, but also in ensuring that all potentially suitable housing sites around the Borough's main regional hub settlement of RTW have first been properly examined and assessed so as to minimise the release of land in less sustainable Green Belt and other locations elsewhere.
- 1 Furthermore, when producing the initial 'Issues and Options' consultation document back in May 2017, the Council identified six possible options for meeting such needs or indeed, a combination of such options. The Distribution of Development Topic Paper (September 2019) confirms (at paragraph 5.5) that the option identified to potentially deliver development along the A21 on the eastern side of RTW as a 'Growth Corridor' was by far the most supported of the options by respondents (60%). The Council's current Core Strategy Development Plan Document adopted in June 2010 recognises RTW (together with Southborough) as the 'Main Urban Area' and in being by far the most sustainable settlement in the Borough with a wide range of facilities and which the former South East Plan (May 2009) recognised as performing an important role as a 'Regional Hub'. Indeed, the former South East Plan identified a need to review Green Belt land around RTW and Southborough as a potential location to accommodate future development needs in a sustainable manner.
- 1 Moreover, notwithstanding that RTW (with Southborough) is by far the largest and most sustainable settlement within the Borough, throughout the stages of the Local Plan production, there has been no joined-up approach in assessing housing potential on sites around the eastern side of

RTW that are also located within the potential A21 Growth Corridor, and this potential has not been assessed or weighed against alternatives. Instead, the Council's Green Belt study (Final Report dated July 2017) has in the main, ruled out the release of Green Belt land for housing purposes on the eastern side of RTW because of the claimed effect of this being 'high' when assessed against Green Belt Policy functions set out in paragraph 134 of the National Planning Policy Framework (NPPF) February 2019.

- 1 A clear example of this is the land being promoted for housing purposes by Gleeson at Sandown Park on the northern side of Pembury Road at RTW. Gleeson's proposals are shown on an illustrative masterplan (Appendix 1 attached) submitted to the Council previously, which should be considered in conjunction with other detailed supporting documents submitted as part of Gleeson's other representations in relation to the Pre-Submission draft Local Plan.
- 1 While this proposal would result in the removal of some 3 hectares of Green Belt land in order to provide 70 – 80 dwellings, this can be achieved in the form of a minor urban extension that would round off development within this eastern part of Tunbridge Wells. This can also be achieved without giving rise to any harm to the extent of the retained Green Belt land that would continue to prevent the urban coalescence of Tunbridge Wells with Pembury, which is located on the opposite side of the A21 to the east.
- 1 As part of Gleeson's proposals, some 3.3 hectares of associated land located between the proposed housing allocation and the A21 would be retained within the Green Belt, but managed and enhanced by new structural landscape planting and set aside for informal recreational use. This would therefore, not only retain the land's Green Belt function, but would also make compensatory strengthening improvements by landscape enhancement and future management, as well as providing new public access on informal open recreational space where there is none at present.
- 1 This proposal, which Gleeson originally presented to the Council back in March 2018, would be similar to the form of the proposed housing allocations elsewhere at RTW with land released from the Green Belt at proposed sites AL/RTW 5, AL/RTW 14 and at AL/RTW 19. The Council has not put forward any compelling justification as to why it would not be sustainable or in line with the Council's draft Development Strategy Policies STR1 and STR/RTW1.
- 1 For reasons set out in other current representations submitted on behalf of Gleeson, the Council's July 2017 Stage Two Green Belt Study is seriously flawed in the way that it has assessed the potential of the land for housing purposes. This is because the Council's Study assumes the removal of **all** of the Green Belt land between the current built up confines of RTW and the A21 Pembury by-pass and by concluding that in doing so the degree of harm would be 'high'.
- 1 As the Council was already aware from previous consultations with Gleeson in relation to this site, this **is not what was being proposed** and the Gleeson scheme has not therefore been assessed (or indeed reassessed) in any fair, reasonable or proportional way, nor has it been assessed against the much greater potential harm of removing land from the Green Belt at a wholly unsustainable location at Tudeley Village (which has also been assessed in the Green Belt Study as also having a 'High' adverse impact).
- 1 The Council's proposed Development Strategy should therefore, be reviewed in order to properly and fairly reassess the full potential of the releasing Green Belt land around RTW within the A21 corridor, as one of the most sustainable options to help meet the housing requirement, **before** considering and assessing other less sustainable options such as removal of the land from the Green Belt at other less sustainable locations beyond Tunbridge Wells.

List of Appendices

- 1 Illustrative Masterplan Drawing no. 1232/02. [TWBC: see full representation attached].

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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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.

Include the omission site for housing within the RTW Limit to Built Development for the reasons set out in the representations attached

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)

For office use only

If responder hasn't ticked an option on this box, data inputter to tick 'not stated' box. Not Stated

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To present the case on behalf of Gleeson Strategic Land

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-1.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_208-209_TCPS for Gleeson Strategic Land_SI-2_Appendix 1.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_14a-e

Comment

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Company / Organisation	Gleeson Strategic Land
Address	Sentinel House Harvest Crescent Fleet GU51 2UZ
Event Name	Pre-Submission Local Plan
Comment by	Gleeson Strategic Land (Gleeson Strategic Land - [REDACTED])
Comment ID	PSLP_222
Response Date	18/05/21 10:53
Consultation Point	Policy EN 15 Local Green Space (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_222_TCPS for Gleeson Strategic Land SI-3 Appendix 2 Pre-application Advice Response.pdf PSLP_222_TCPS for Gleeson Strategic Land SI-1 Redacted.pdf PSLP_222_TCPS for Gleeson Strategic Land SI-2 Appendix 1 Pre-application Advice Request.pdf PSLP_222_TCPS for Gleeson Strategic Land SI-5 Appendix 4 EDP Local Green Space Assessment.pdf PSLP_222_TCPS for Gleeson Strategic Land SI-4 Appendix 3 Illustrative Masterplan.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Gleeson Strategic Land

Question 2

Agent's Name and Organisation (if applicable) Town & Country Planning Solutions

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 15 Local Green Space

Question 4

Do you consider that the Local Plan:

Is sound No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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- 1 These representations on behalf of Gleeson Strategic Land (Gleeson) relate to Draft Policy EN15 (Local Green Space) Appendix 2 and Inset Map 1 of the Pre-Submission draft version of the Tunbridge Wells Local Plan published in March 2021, together with the two associated background documents entitled Local Green Space Methodology and Local Green Space Assessment both dated February 2021. Gleeson has an interest in land known as 'Sandown Park' located on the northern side of the A264 Pembury Road immediately adjoining the built up limits of Royal Tunbridge Wells (RTW) on the eastern edge of the town. This land (the 'Gleeson land') is shown as a proposed 'Local Green Space' on Inset Map 1 of the Plan's draft Proposals Map and is listed as Site No. 217 in Appendix 2 of the draft Plan.

- 1 The land at Sandown Park has been the subject of a number of previous representations by Gleeson following the publication of the Council's previous 'Site Allocations Development Plan Document: Site Templates Green Belt and Rural Fringes Supporting Information' dated February 2015. In the Document, the Gleeson land was identified as site number 291. The land was also promoted by Gleeson for housing purposes at the Site Allocations Local Plan Examination in November 2015 (Representation no. SAL-S-732).
- 1 Subsequently, Gleeson also submitted representations in response to the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) 'Draft Interim Report' published in April 2017. Further supporting documents were prepared and submitted to the Council as part of a 'pre-application' advice request by Gleeson on 2nd March 2018 (Appendix 1) to which the Council provided a written response on 9th May 2018 (Appendix 2).
- 1 While this consultation was through the Council's 'pre-application advice service', it was made clear that the submissions were associated with the emerging Local Plan in relation to the potential allocation of the land for housing purposes and for informal recreation. An illustrative masterplan (revised to take account of the comments contained in the Council's pre-application response and subsequent consultations with the Highway Authority) is contained in Appendix 3 attached.
- 1 The Council's response (Appendix 2) stated that *"At present, given the Green Belt status and site constraints, it is unlikely that the Local Planning Authority would support housing development on this site"*, but it made no reference to any potential 'Local Green Space' designation. Thus, notwithstanding Gleeson's extensive consultations with the Council dating back to 2015, the draft proposal to designate the land as Local Green Space under the provisions of draft Policy EN17 of the subsequent Regulation 18 Consultation draft version of the Local Plan September 2019 came completely out-of-the-blue and appeared to be aimed as seeking to frustrate the potential for that part of the land (some 3 hectares) located closest to the existing settlement boundary, from being released from the Green Belt to provide some 78 – 80 dwellings in one of the most sustainable locations on the Borough – as put forward in the pre-application consultation to the Council in March 2018 (Appendix 1).
- 1 Gleeson objected to draft Policy EN17 not only in relation to the proposed allocation of the Sandown Park land as Local Green Space, but also object to draft Policy EN17 in its entirety as being contrary to paragraph 35 of the National Planning Policy Framework in being not positively proposed, justified, effective or consistent with national policy to promote sustainable development.
- 1 Gleeson's concerns and objections were set out in detail in the 'Local Green Space Assessment' (dated October 2019) prepared by Gleeson's consultants The Environmental Dimension Partnership Ltd. (EDP) reproduced in Appendix 4, which has been resubmitted as part of these current representations.
- 1 The EDP Assessment examined the Council's previous two supporting documents also published in September 2019; the 'draft Local Green Space Assessment' (dLGSA) and Local Green Space Designation Methodology (LGSDM) having regard in particular, policy and advice contained in the National Planning Policy Framework and National Planning Practice Guidance documents. Paragraph 99 of the NPPF confirms that Local Green Space can be designated through local and neighbourhood plans and *"allows communities to identify and protect green areas of particular importance to them"*, but this should be *"consistent with local plans of suitable developments and complement investment in sufficient homes, jobs and other essential services"*.
- 1 Paragraph 100 and 101 of the NPPF add however, that;
"100. The Local Green Space designation should only be used where the green space is:
a) In reasonably close proximity to the community it serves;
b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
c) Local in character and is not an extensive tract of land.
101. Policies for managing development within a Local Green Space should be consistent with those for Green Belts".
10. Appendix EDP 2b of the EDP Local Green Space Assessment contains extracts of the NPPG guidance relating to LGS designation. This includes;
"a means to provide special protection against development for green areas of particular importance to local community..." "where those spaces are demonstrably special to the local community".

- . *"in particular, plans must identify sufficient land in suitable locations to meet development needs and the Local Green Space designations should not be used in a way that undermines this aim of plan making".*
- . *"if land is already protected by Green Belt Policy... then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space".*
- . *"... the local planning authority... should contact land owners at an early stage about proposals to designate any part of their land as Local Green Space..." and*
- . *"if the features that make a green area special and locally significant are to be conserved, how it will be managed in the future is likely to be as important consideration".*
- 1 For the detailed reasons set out in the EDP Assessment (Appendix 4), the representations submitted on behalf of Gleeson's made the case that the Council's proposal to designate the Gleeson land as Local Green Space failed the second of the three combined tests for designation set out in paragraph 100 of the NPPF and directly conflicts with all the NPPG guidance set out above.
- 1 The Council provided no evidence that the Gleeson land is 'demonstrably special to the local community' sufficient to justify Local Green Space designation. It is clear that from the schedule on page 94 of the Council's previous dLGSA, that the proposed designation of the Gleeson land had (together with many others) not come about through any approach from the local community, but had instead resulted from an *"in-office suggestion"* (no doubt as a consequence of the previous Gleeson consultations to seek to release part of the land for housing purposes).
- 1 The dLGSA schedule acknowledged that the site is already subject to Green Belt policy, but make no mention that part of the land is also within a designated conservation area. The Council's 'Demonstrably Special' assessment was weak and referred only to its claimed visual amenity importance contributing to the character and approach to the settlement. Not only is this justification for designation at odds with the national policy and guidance, but also this is not a specific criteria for any such Local Green Space assessment listed in Table 2 of Appendix 1 of the Council's previous LGSDM, meaning that the Council had not followed its own methodology in selecting this site as Local Green Space.
- 1 Of the assessment criteria listed on the Council's previous Assessment Form included within the previous LGSDM, none were relevant for Local Green Space designation of the Gleeson land. As regards 'Beauty', the land is not within the High Weald Area of Outstanding Natural Beauty (contrary to what is erroneously stated in the Council's 2019 SHELAA for Site 99); the land is not of any 'Historical significance' as in the form proposed in the Gleeson Masterplan (Appendix 3) there would be no harmful impact upon any historic assets; the land has no 'Recreational value' as there is no public access or recreational use; the land has no 'Tranquillity', as it is immediately adjacent to the RTW built up area and A264 Pembury Road and the ecology reports submitted to the Council previously confirm that the land has no specific significance for 'Wildlife'.
- 1 In line with the NPPG guidance, paragraphs 2.11 and 4.7 of the Council's previous LGSDM emphasised that landowners would be contacted at an *"early stage"* and *"prior to the Plan first being made publically available"* i.e. prior to the start of the draft Local Plan consultation period that commenced on 20th September 2019. Notwithstanding the previous extensive consultations with the Council about the potential release of part of the Green Belt land for housing purposes (with complementary arrangements set aside for retaining adjoining land within the Green Belt with landscape planting and with future management as informal recreation open space), the Council had made no advanced contact with Gleeson about the proposed Local Green Space designation, which was only known about at the time the draft Plan was published in September 2019.
- 1 Perhaps most fundamentally of all, the Council had provided no soundly based assessment as to why Local Green Space designation was necessary given that the land already has Green Belt policy protection. The failure to note the Green Belt status of land was a serious omission and flawed in the Council's Site Assessment Form contained within Appendix 1 of the previous LGSDM (in which Table 2 lists the criteria to be assessed).
- 1 The Council's unjustified appraisal appeared instead to be aimed at frustrating Gleeson's Local Plan proposal and it is wholly illogical on the one hand to propose the release of Green Belt land for housing development at unsustainable locations such as a Capel and Tudley Village whilst on the other hand ignoring the potential to release Green Belt land as a much more sustainable, edge of settlement location at RTW. Thus, the Council's proposed designation also conflicted with national policy and guidance in being used in a way that clearly undermines the proper aims of plan making.

- 1 The Council's seriously flawed and unjustified approach to the proposed Local Green Space designation of the Gleeson land also brought into doubt the sound and reasonable justification of the other high number (some 227) of proposed Local Green Space sites listed in Appendix 2 of the Consultation draft Local Plan and as shown on the various Inset Maps of the Plan's main Proposal Map. Paragraph 2.11 of the previous LSGDM (and elsewhere) stated that following the draft Local Plan consultation, the Local Green Space designation might be changed prior to the formal submission of the Plan for Examination (i.e. at the Regulation 19 stage). The representations on behalf of Gleeson made the case that all of these previously proposed designations should be reviewed and carefully reassessed and judged against national policy and guidance, especially given that of the 383 sites assessed in the previous DLGSA, some 69 (18%) had not actually been promoted by the local community, but had instead resulted from an 'In Office Suggestion'. Of the 227 proposed Local Green Space designations in the Consultation draft Plan, some 44 (19.3%) were as a result of an 'In Office Suggestion'.
- 1 In making the previous representation the point was also made that two adjacent local authorities (Wealden and Rother Districts) who had also recently published Submission draft Local Plans, neither of which propose any specific policy or proposals relating to Local Green Space designations. In other words, neither of these adjoining authorities considered that there is any special justification to designate Local Green Space given other policy protection available, and this again cast doubt as to why Tunbridge Wells Borough considered that there was such special justification so as to designate as many as 227 sites as Local Green Space.
- 1 Furthermore, as set out in Section 5 of the EDP Local Green Space Assessment (Appendix 4), the Plymouth and South West Devon Joint Local Plan Case Study demonstrated clearly, that the similar approach to Local Green Space designation as followed by Tunbridge Wells Borough Council was fundamentally unsound. The Examination Inspector's comments (March 2019) are particularly relevant and on the same basis, the representations on behalf of Gleeson made the case the draft Policy EN17 should be deleted from the next stage (i.e. the Pre-Submission stage) of the Local Plan.
- 1 So what has changed since the submission of these previous representations? In addition to the draft Local Green Space Policy being renumber and changed from Policy EN17 to Policy EN15 in the Pre-Submission draft of the Plan, the Council claims to have now reviewed the methodology of the Local Green Space Assessment but there are still 177 Local Green Space sites listed in Appendix 2 of the draft Plan. This includes the Gleeson land at 'Site Number 217' ("Green space near Sandown Park") which is shown designated for this purpose on Inset Map 1 (Royal Tunbridge Wells and Southborough) – see extract below.

[TWBC: for extract image, see full representation attached].

- 1 Within the Council's Local Green Space Assessment February 2021, the Gleeson Land (site 217) is assessed as follow;

[TWBC: for table, see full representation attached].

- 1 Analysis of Appendix 2 of the draft Local Plan confirms that although there are now 61 fewer Local Green Space sites put forward, 4 of these are new sites that were previously rejected in the Council's previous Assessment, and Green Belt site's (such as Gleeson's) are still included (many based upon 'in house, Officer suggestions') notwithstanding that there is no sound planning policy justification or need for doing so. It remains Gleeson's case therefore, that as the Local Green Space designation of Green Belt land serves no planning policy purpose, all such designations should be deleted (and removed from the Plan's Inset Maps) in failing to be in accordance national policy advice contained in both the NPPF and NPPG.

Appendices *[TWBC: Please see supporting documents]*

- 1 Gleeson request for 'Pre-Application advice' 2nd March 2018
- 2 Tunbridge Wells Borough Council 'Pre-application advice' response 9th May 2018
- 3 Gleeson Illustrative Master Plan
- 4 EDP Local Green Space Assessment October 2019

Question 6

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Delete LGS Site no. 217 from Inset Map 1 and Appendix 2 for the reasons set out in the representations attached

[TWBC: Please see supporting documents]

Question 7

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Question 7a

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To present the case on behalf of Gleeson Strategic Land

If you would like to attach a file in support of your comments, please upload it here. [PSLP_222_TCPS for Gleeson Strategic Land SI-1 Redacted.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_222_TCPS for Gleeson Strategic Land SI-2 Appendix 1 Pre-application Advice Request.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_222_TCPS for Gleeson Strategic Land SI-3 Appendix 2 Pre-application Advice Response.pdf](#)

Future Notifications

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Supporting Information File Ref No: SI_82

Comment

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Email Address	[REDACTED]
Company / Organisation	Future Planning and Development
Address	[REDACTED] London [REDACTED]
Consultee	Mr Mateusz Debczak ([REDACTED])
Company / Organisation	Gold Property Development Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gold Property Development Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1555
Response Date	04/06/21 10:33
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_1555_Future Planning
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gold Property Development Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Future Planning & Development Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, STR/SS 1, STR/SS 3 and PSTR/LA 1 – see Comment Numbers PSLP_1555, PSLP_1647, PSLP_1648 and PSLP_1649. Attachments uploaded as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	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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Future Planning and Development act on behalf of our client, Gold Property Developments Ltd, in respect of their site, Lamberhurst Winery, Lamberhurst Down, Lamberhurst. This site is being promoted for residential development; it being sustainably located on the edge of the village of Lamberhurst.

The proposed submission version of the Local Plan identifies the requirement for additional land for housing in Policy STR1 and sets out a strategy for meeting this need. The proposed approach principally relies upon the allocation of large scale housing sites arising from the strategic urban expansion of Paddock Wood and the proposed Tudeley Village new settlement. Other than Tunbridge Wells, the Plan proposes only limited housing allocations for the other centres in the Borough, as set out in Table 4 - Distribution of housing allocations.

While it is acknowledged that paragraph 72 of the NPPF supports the new settlements and major urban extensions in order to achieve the supply of a large number of new homes, this must be brought forward in tandem with smaller scale development that is delivered more flexibly and quickly. It is our view that the Council's proposed approach to delivering the homes needed by the Borough is fundamentally unsound, as it is entirely reliant on a small number of volume housebuilders to bring forward development at an unrealistic delivery rate. By contrast, a more even distribution of allocated sites across the Borough, which supports and enhances existing communities, would ensure a more

successful and continuous delivery of homes across the Borough and throughout the Plan period. Small and medium sized sites, usually brought forward by SME developers, rather than volume housebuilders, should play an important role in delivering housing within the Borough, but the proposed delivery strategy promotes the opposite of this.

We therefore submit that Policies STR/SS1 and STR/SS3 are unsound. These policies cannot be amended to be made sound, so long as the strategy of the proposed Plan is to achieve the required number of additional homes through large-scale development in just two locations, as opposed to a more proportionate expansion of existing sustainable settlements across the Borough. It is not that one or other of these two sites should not be brought forward for development, but that they must be balanced by the provision of more housing on smaller sites in other settlements.

Policy PSTR/LA 1 sets out a strategy for Lamberhurst parish. Point 2 of this policy proposes to build approximately 25-30 new dwellings on land at Spray Hill, which is expanded at Policy AL/LA 1. We have no objection to the allocation of this site for housing and agree that the provision of additional housing in Lamberhurst Down is a sensible approach to providing for housing need in a sustainable location. However, we consider PSTR/LA 1 to be unsound insofar as it follows Policy STR 1 and fails to deliver enough housing across the Borough, for the reasons set out above.

Question 6

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In order to deliver the homes required by the Local Plan consideration should be given to the allocation of Lamberhurst Winery (SHELAA site reference 423) for housing. This site is being brought forward by a SME developer and is proposed to be delivered as soon as possible following the grant of planning permission. Officers have confirmed that the development of part of this site for affordable housing for local people is considered acceptable in principle and a planning application for this element is to be submitted imminently. This could serve as a first phase for the wider development of the site.

Policy PSTR/LA 1 should be modified to include the allocation of around 125 dwellings at Lamberhurst Winery (SHELAA site reference 423) and an additional allocation policy should be included (AL/LA 2) for the allocation of this site.

Question 7

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Question 7a

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Supporting Information File Ref No: SI_82

Comment

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Address	[REDACTED] London [REDACTED]
Consultee	Mr Mateusz Debczak [REDACTED]
Company / Organisation	Gold Property Development Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gold Property Development Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1647
Response Date	04/06/21 10:33
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1555_Future_Planning
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Gold Property Development Ltd
Question 2	
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Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

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Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

[TWBC: this representation has been input against Policies STR 1, STR/SS 1, STR/SS 3 and PSTR/LA 1 – see Comment Numbers PSLP_1555, PSLP_1647, PSLP_1648 and PSLP_1649. Attachments uploaded as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
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Question 5

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The proposed submission version of the Local Plan identifies the requirement for additional land for housing in Policy STR1 and sets out a strategy for meeting this need. The proposed approach principally relies upon the allocation of large scale housing sites arising from the strategic urban expansion of Paddock Wood and the proposed Tudeley Village new settlement. Other than Tunbridge Wells, the Plan proposes only limited housing allocations for the other centres in the Borough, as set out in Table 4 - Distribution of housing allocations.

While it is acknowledged that paragraph 72 of the NPPF supports the new settlements and major urban extensions in order to achieve the supply of a large number of new homes, this must be brought forward in tandem with smaller scale development that is delivered more flexibly and quickly. It is our view that the Council's proposed approach to delivering the homes needed by the Borough is

fundamentally unsound, as it is entirely reliant on a small number of volume housebuilders to bring forward development at an unrealistic delivery rate. By contrast, a more even distribution of allocated sites across the Borough, which supports and enhances existing communities, would ensure a more successful and continuous delivery of homes across the Borough and throughout the Plan period. Small and medium sized sites, usually brought forward by SME developers, rather than volume housebuilders, should play an important role in delivering housing within the Borough, but the proposed delivery strategy promotes the opposite of this.

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Policy PSTR/LA 1 sets out a strategy for Lamberhurst parish. Point 2 of this policy proposes to build approximately 25-30 new dwellings on land at Spray Hill, which is expanded at Policy AL/LA 1. We have no objection to the allocation of this site for housing and agree that the provision of additional housing in Lamberhurst Down is a sensible approach to providing for housing need in a sustainable location. However, we consider PSTR/LA 1 to be unsound insofar as it follows Policy STR 1 and fails to deliver enough housing across the Borough, for the reasons set out above.

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Comment

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Company / Organisation	Future Planning and Development
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Consultee	Mr Mateusz Debczak [REDACTED]
Company / Organisation	Gold Property Development Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Gold Property Development Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1648
Response Date	04/06/21 10:33
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_1555_Future_Planning
Data inputter to enter their initials here	AT
Question 1	
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Question 3	

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Policy

Question 3a

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Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: this representation has been input against Policies STR 1, STR/SS 1, STR/SS 3 and PSTR/LA 1 – see Comment Numbers PSLP_1555, PSLP_1647, PSLP_1648 and PSLP_1649. Attachments uploaded as supporting information]

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Comment by	Gold Property Development Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_1649
Response Date	04/06/21 10:33
Consultation Point	Policy PSTRLA 1 The Strategy for Lamberhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP 1555 Future Planning
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Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/LA 1 The Strategy for Lamberhurst parish

[TWBC: this representation has been input against Policies STR 1, STR/SS 1, STR/SS 3 and PSTR/LA 1 – see Comment Numbers PSLP_1555, PSLP_1647, PSLP_1648 and PSLP_1649. Attachments uploaded as supporting information]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate 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.

Future Planning and Development act on behalf of our client, Gold Property Developments Ltd, in respect of their site, Lamberhurst Winery, Lamberhurst Down, Lamberhurst. This site is being promoted for residential development; it being sustainably located on the edge of the village of Lamberhurst.

The proposed submission version of the Local Plan identifies the requirement for additional land for housing in Policy STR1 and sets out a strategy for meeting this need. The proposed approach principally relies upon the allocation of large scale housing sites arising from the strategic urban expansion of Paddock Wood and the proposed Tudeley Village new settlement. Other than Tunbridge Wells, the Plan proposes only limited housing allocations for the other centres in the Borough, as set out in Table 4 - Distribution of housing allocations.

While it is acknowledged that paragraph 72 of the NPPF supports the new settlements and major urban extensions in order to achieve the supply of a large number of new homes, this must be brought forward in tandem with smaller scale development that is delivered more flexibly and quickly. It is our view that the Council's proposed approach to delivering the homes needed by the Borough is

fundamentally unsound, as it is entirely reliant on a small number of volume housebuilders to bring forward development at an unrealistic delivery rate. By contrast, a more even distribution of allocated sites across the Borough, which supports and enhances existing communities, would ensure a more successful and continuous delivery of homes across the Borough and throughout the Plan period. Small and medium sized sites, usually brought forward by SME developers, rather than volume housebuilders, should play an important role in delivering housing within the Borough, but the proposed delivery strategy promotes the opposite of this.

We therefore submit that Policies STR/SS1 and STR/SS3 are unsound. These policies cannot be amended to be made sound, so long as the strategy of the proposed Plan is to achieve the required number of additional homes through large-scale development in just two locations, as opposed to a more proportionate expansion of existing sustainable settlements across the Borough. It is not that one or other of these two sites should not be brought forward for development, but that they must be balanced by the provision of more housing on smaller sites in other settlements.

Policy PSTR/LA 1 sets out a strategy for Lamberhurst parish. Point 2 of this policy proposes to build approximately 25-30 new dwellings on land at Spray Hill, which is expanded at Policy AL/LA 1. We have no objection to the allocation of this site for housing and agree that the provision of additional housing in Lamberhurst Down is a sensible approach to providing for housing need in a sustainable location. However, we consider PSTR/LA 1 to be unsound insofar as it follows Policy STR 1 and fails to deliver enough housing across the Borough, for the reasons set out above.

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order to deliver the homes required by the Local Plan consideration should be given to the allocation of Lamberhurst Winery (SHELAA site reference 423) for housing. This site is being brought forward by a SME developer and is proposed to be delivered as soon as possible following the grant of planning permission. Officers have confirmed that the development of part of this site for affordable housing for local people is considered acceptable in principle and a planning application for this element is to be submitted imminently. This could serve as a first phase for the wider development of the site.

Policy PSTR/LA 1 should be modified to include the allocation of around 125 dwellings at Lamberhurst Winery (SHELAA site reference 423) and an additional allocation policy should be included (AL/LA 2) for the allocation of this site.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? 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 clearly set out the case for an appropriate approach to housing allocations

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Patrick & Emily Goodall [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Patrick & Emily Goodall [REDACTED]
Comment ID	PSLP_288
Response Date	23/05/21 20:54
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Patrick & Emily Goodall
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.91, 5.92, 5.93, 5.94	
Question 4	
Do you consider that the Local Plan:	
Is sound	No
Question 4a	
If you consider that the Local Plan is not sound, please answer this question.	

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

Therefore:

1) Traffic Safety and Hazard: Vehicle access point on A26 Eridge Road. Road Traffic Safety compromised due to additional vehicle movement volumes; with a traffic hazard as there is restricted line of sight (ref. also 5.94) Note: Existing access considered to be on apex of bend, not as defined above as 'close to the bend'. 2) Pedestrian Safety and hazard: No available pavement on the Common side of the A26 pedestrians will be crossing the A26 at a dangerous busy point.

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger

of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

1. *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic.
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut.

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rationale.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to

Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

3. Adequate servicing and parking to serve the expanded commercial use on the site;

4. Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems: 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.

2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.

3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.

4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

5. Development shall be located on the areas identified for mixed use on the site layout plan; Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation

6. Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common; The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sarah Goodall [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Sarah Goodall [REDACTED]
Comment ID	PSLP_1398
Response Date	03/06/21 17:29
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Sarah Goodall
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I write to register my objection to the ludicrous plan to close Hartlake Road permanently to through traffic.

It is a vital access route between the villages, for residents and businesses alike. The disruption to all the businesses along there would quite probably lead to their undoing - as if Covid 19 hasn't already caused enough heartache and pain.

As a long term resident of Tonbridge, as well as a local business owner I strongly object to such a disruptive move.

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	Lance Goodship [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Lance Goodship [REDACTED]
Comment ID	PSLP_289
Response Date	23/05/21 21:16
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.2

Question 1

Respondent's Name and/or Organisation	Lance Goodship
---------------------------------------	----------------

Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

4.48, Policy STR 1, The Development Strategy, point 5)

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	Don't know
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Local resident consensus represented by the 412 signatories of the petition (<https://www.change.org/Kingstanding>) do not believe that the nil detriment and safety requirement test to Longfield Road in national planning and transport policy can be fully achieved without the main entrance for the new business park to the north of North Farm/Kingstanding Way, Royal Tunbridge Wells, being connected directly to an A21 junction via a private road. In summary, residents disagree with point 5) under section 4.48 that the proposed design is 'well connected to the improved A21'.

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 4.48 point 5 should be changed to:

'Provides for a prestigious new business park to the north of North Farm/Kingstanding Way, Royal Tunbridge Wells, well connected to the improved A21 via a private road connected directly to the Longfield Road A21 junction or via a private road connected directly to the A21 junction near Half Moon Lane.'

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:

Only if required to provide any additional context or clarifications to the Inspector.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

A direct access private road to an A21 junction is possible via either of two existing gravel roads, one which connects to the A21 junction near Half Moon Lane and the other that connects to the North Farm A21 junction. Section 4.123 already provides Green Belt justification for building the business park on Green Belt land and if the existing gravels roads need to be widened into Green Belt land then there is no reason why the same justification cannot be used.

There is additional further justification related to Green Belt impact at section 5.99 related to the same business park proposal.

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	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_97
Response Date	04/06/21 15:57
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
---------------------------------------	-----------

Question 3

To which part of the Local Plan does this representation relate?	Policy
--	--------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Pre-Submission Local Plan

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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The process for understanding the Local Plan is a matter of navigating through 140 separate documents, 400Mb of data and amounting to a total of 7,786 pages of documents. The process of understanding the intertwined nature of the documents for ordinary folk without training or experience of Town and Country Planning Laws is a challenge, and therefore difficult to conform to the expressed format of addressing particular policy, and thus this submission will be a more general assessment of the Local Plan.

I will attempt to put forward an overall suggestion that the plan should be returned to TWBC for a revision that takes account of some factors that I think are particularly relevant, and I suggest may expose significant flaws in the Local Plan as submitted.

The previous public consultation (Regulation 18 Consultation) resulted in some 8000 comments from some 2000 contributors. The plan was revised, and most of the objection were ignored, and the Plan was largely unchanged to the current submission here.

Once the Local Plan is accepted policy for development for the next decade is set out, and experience of the local planning process suggests that it is impossible to make any changes, even with the benefit of new evidence and opinion.

Thus it is vital for the Local Plan to be well thought out and consistent in applying the directing Policies, and setting out a plan that is able to deliver a fair and clear framework that has the best interests of the residents of Tunbridge Wells, rather than offering opportunity to land owners and developers.

The Local Plan should be returned for further consultation for the following reasons:

1

Many of the assumptions made that underpin the basis of the Local Plan are now out of date and irrelevant, and in light of changes to society and working and retail habits that will come about as a consequence of the pandemic these assumptions (data and common sense observations) should be re-assessed to provide a more realistic and up-to-date premises of the local plan. The post-pandemic effects are likely to cause great changes and the local plan must be delayed to take this into account.

2

The public consultation produced 8000 comments from 2000 respondents mostly against many parts of the local plan, and these objections have been swept aside and ignored. There is widespread opposition to the plans to build in Green Belt Land and building in the ANOB, and concerns over building in flood risk areas, and further concerns about the effects of climate change, sustainability, and other green issues. The response of the planning officers is to largely to ignore all opposing views and opinions, and commission further studies to bolster their case.

The recent local Council elections changed the balance of power in the Council, and the residents at Capel voted against the existing councillor in favour of an independent because of the opposition to the planned housing development in the Tudley Flood Plain.

3

The development on Green Belt Land and in the AONB should be the last resort, and all other location of available development land should be completely exhausted before any Green Belt Land is developed.

The Local Plan shows Green Belt Land and development in the AONB, and ignores many brown field sites, redevelopment of existing buildings, particularly retail and office buildings vacant because of changes in society due to post covid changes.

Development of Green Belt Land, provided -

1. to check unrestricted sprawl of large built up areas
2. to prevent neighbouring towns merging into one another
3. to assist in safeguarding the countryside from encroachment
4. to preserve the setting and special character of historic towns
5. to limit potential level of harm to the Green Belt associated with release

should not be included for development on the Local Plan.

Development in the AONB should not be included in the Local Plan.

4

The plan should be rejected and re-written to take account of a new assessment of the town centre and associated results of a post-pandemic economy where it is likely to be further shop and business closures, and where the availability of development opportunity and particularly change of use from commercial to residential occupancy must be considered as part of a whole local plan delivery.

5

The availability of brown field sites and change of use resulting from the post-pandemic economy, and changes in work patterns where office space is no longer required must change the assumptions that underpin the Local Plan, and thus the Local Plan should be rejected so these revised circumstances are reconsidered and incorporated in revised local plan.

6

The delivery of the local plan will so to speak lock the future development strategy of the town for the next decades and we must take more time to consider what sort of future we want for the town. Here is a chance to call a halt to pre-conceived ideas and generate a new and enlightened way to deal with development and progress in challenging times as we deliver a Local Plan for a post-pandemic society.

The Plan contains inconsistencies where the definitions of Green Belt and AONB are variously interpreted, in one location contradicting statements in another. It appears that this is an consistency that has been recognised by other comments.

The Plan ignores the value, aims and objectives of the Green Belt, and fails to protect Green Belt Land.

The Plan ignores the preservation of the AONB.

The Plan fails to deliver clear policy and direction for Carbon Emissions.

The plan fails to take account of the post covid pandemic economy and changes in work habits.

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 Local Plan should be returned to the consultation stage so the Plan can be re-written to take account of the invasion of Green Belt Land and development in AONB, and re-consider existing brown field sites for development first, as the conversion of existing buildings for alternative use (housing) is less impact on carbon footprint. As the first principle the plan should develop brown field sites particularly if they are in central locations, where the impact on sustainable transport and the requirement for car ownership and use of public transport can be delivered.

The Plan should be returned for consultation to take account of the post pandemic developments and changes in work and leisure activities, and take account of changes in social activities. For example offices and retail premises that are vacant should be the priority for redevelopment for housing, located in central areas where a sustainable transport policy can be delivered.

The Local Plan will shape the future of the borough for decades, and should be fit for purpose. The Plan is not sound in the current version and should be returned and re-submitted for consultation.

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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The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The citizens of Tunbridge Wells should be fighting for a change in this process, and I am sure there will be support from the people once they realise consultation will make a change and deliver a fair and equitable society that delivers the needs and best interests of the ordinary folk of the borough.

The Plan is conceived to allow the developers to set the agenda, and the call for sites favours developers and land owners to select the easy (and cheap) sites to develop where the most important factor is the profit, rather than delivering housing that meets the needs of those folk who are attempting to make

a start with a family for example, where low cost housing could available in the centre of town where a car is not essential, and use of an affordable public transport system can be used for essential travel.

There is not much evidence this is a priority in the Local Plan, and particularly in the post pandemic economy, the Plan should be returned for a proper re-assessment.

The Local Plan should be a document that directs the development of the Borough for the next period, but must be in the control of the local council and be adaptable as the economic and social factors change, so it must be possible for change in the future life of the Local Plan. As it is now the Local Plan sets policy in such tight terms that a mistake made at the writing stage sets the framework for 15 or 20 years, and this surely is not in the best interests of the people of Tunbridge Wells.

The threat to Green Belt Land in the Local Plan is an erosion of land set aside and protected by Law as designated Green Belt and all developments on Green Belt Land should be removed from the Local Plan. There are alternative sites in the Call for Sites list that should be considered and developed, even if costs are higher than a green field site.

Also there should be no development on sites in the AONB, also protected areas.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property in the borough.

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1200
Response Date	04/06/21 15:56
Consultation Point	Foreword (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
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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.

Foreword

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

The process for understanding the Local Plan is a matter of navigating through 140 separate documents, 400Mb of data and amounting to a total of 7,786 pages of documents. The process of understanding the intertwined nature of the documents for ordinary folk without training or experience of Town and Country Planning Laws is a challenge, and therefore difficult to conform to the expressed format of addressing particular policy, and thus this submission will be a more general assessment of the Local Plan.

I will attempt to put forward an overall suggestion that the plan should be returned to TWBC for a revision that takes account of some factors that I think are particularly relevant, and I suggest may expose significant flaws in the Local Plan as submitted.

The previous public consultation (Regulation 18 Consultation) resulted in some 8000 comments from some 2000 contributors. The plan was revised, and most of the objection were ignored, and the Plan was largely unchanged to the current submission here.

Once the Local Plan is accepted policy for development for the next decade is set out, and experience of the local planning process suggests that it is impossible to make any changes, even with the benefit of new evidence and opinion.

Thus it is vital for the Local Plan to be well thought out and consistent in applying the directing Policies, and setting out a plan that is able to deliver a fair and clear framework that has the best interests of the residents of Tunbridge Wells, rather than offering opportunity to land owners and developers.

The Local Plan should be returned for further consultation for the following reasons:

1

Many of the assumptions made that underpin the basis of the Local Plan are now out of date and irrelevant, and in light of changes to society and working and retail habits that will come about as a consequence of the pandemic these assumptions (data and common sense observations) should be re-assessed to provide a more realistic and up-to-date premises of the local plan. The post-pandemic effects are likely to cause great changes and the local plan must be delayed to take this into account.

2

The public consultation produced 8000 comments from 2000 respondents mostly against many parts of the local plan, and these objections have been swept aside and ignored. There is widespread opposition to the plans to build in Green Belt Land and building in the ANOB, and concerns over building in flood risk areas, and further concerns about the effects of climate change, sustainability, and other green issues. The response of the planning officers is to largely to ignore all opposing views and opinions, and commission further studies to bolster their case.

The recent local Council elections changed the balance of power in the Council, and the residents at Capel voted against the existing councillor in favour of an independent because of the opposition to the planned housing development in the Tudley Flood Plain.

3

The development on Green Belt Land and in the AONB should be the last resort, and all other location of available development land should be completely exhausted before any Green Belt Land is developed.

The Local Plan shows Green Belt Land and development in the AONB, and ignores many brown field sites, redevelopment of existing buildings, particularly retail and office buildings vacant because of changes in society due to post covid changes.

Development of Green Belt Land, provided -

1. to check unrestricted sprawl of large built up areas
2. to prevent neighbouring towns merging into one another
3. to assist in safeguarding the countryside from encroachment
4. to preserve the setting and special character of historic towns
5. to limit potential level of harm to the Green Belt associated with release

should not be included for development on the Local Plan.

Development in the AONB should not be included in the Local Plan.

4

The plan should be rejected and re-written to take account of a new assessment of the town centre and associated results of a post-pandemic economy where it is likely to be further shop and business closures, and where the availability of development opportunity and particularly change of use from commercial to residential occupancy must be considered as part of a whole local plan delivery.

5

The availability of brown field sites and change of use resulting from the post-pandemic economy, and changes in work patterns where office space is no longer required must change the assumptions that underpin the Local Plan, and thus the Local Plan should be rejected so these revised circumstances are reconsidered and incorporated in revised local plan.

6

The delivery of the local plan will so to speak lock the future development strategy of the town for the next decades and we must take more time to consider what sort of future we want for the town. Here is a chance to call a halt to pre-conceived ideas and generate a new and enlightened way to deal with development and progress in challenging times as we deliver a Local Plan for a post-pandemic society.

The Plan contains inconsistencies where the definitions of Green Belt and AONB are variously interpreted, in one location contradicting statements in another. It appears that this is an consistency that has been recognised by other comments.

The Plan ignores the value, aims and objectives of the Green Belt, and fails to protect Green Belt Land.

The Plan ignores the preservation of the AONB.

The Plan fails to deliver clear policy and direction for Carbon Emissions.

The plan fails to take account of the post covid pandemic economy and changes in work habits.

The Local Plan should be returned to the consultation stage so the Plan can be re-written to take account of the invasion of Green Belt Land and development in AONB, and re-consider existing brown field sites for development first, as the conversion of existing buildings for alternative use (housing) is less impact on carbon footprint. As the first principle the plan should develop brown field sites particularly if they are in central locations, where the impact on sustainable transport and the requirement for car ownership and use of public transport can be delivered.

The Plan should be returned for consultation to take account of the post pandemic developments and changes in work and leisure activities, and take account of changes in social activities. For example

offices and retail premises that are vacant should be the priority for redevelopment for housing, located in central areas where a sustainable transport policy can be delivered.

The Local Plan will shape the future of the borough for decades, and should be fit for purpose. The Plan is not sound in the current version and should be returned and re-submitted for consultation.

Question 6

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The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered. I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

The citizens of Tunbridge Wells should be fighting for a change in this process, and I am sure there will be support from the people once they realise consultation will make a change and deliver a fair and equitable society that delivers the needs and best interests of the ordinary folk of the borough.

The Plan is conceived to allow the developers to set the agenda, and the call for sites favours developers and land owners to select the easy (and cheap) sites to develop where the most important factor is the profit, rather than delivering housing that meets the needs of those folk who are attempting to make a start with a family for example, where low cost housing could be available in the centre of town where a car is not essential, and use of an affordable public transport system can be used for essential travel.

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Also there should be no development on sites in the AONB, also protected areas.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property in 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1227
Response Date	04/06/21 15:54
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
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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.

Section 3: Vision and Objectives**Vision**

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
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Question 5

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Here in particular the Local Plan is unsound as it does not take account to recent developments, and assumptions made that underpin the data used to build the Local Plan are out of date and are leading to false assumptions.

The Local Plan should be returned and rewritten with further consultation to take account of the post pandemic economy and social change, and the requirement to reassess priorities.

If the Local Plan is returned to be rewritten, it is a great opportunity where Tunbridge Wells can be a council that takes the chance to re-think the Local Plan and deliver a Local Plan fit for purpose to build a structure for future development that reflects the importance of dealing with a post pandemic society, as well as taking account of local opinion, and re-assess a change of use in the town centre and commercial property in the borough.

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The Local Plan should be returned and rewritten with further consultation to take account of the post pandemic economy and social change, and the requirement to reassess priorities.

The local plan cannot be sound if it fails to take account of the post covid circumstances.

Question 7

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The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

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Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1279
Response Date	04/06/21 15:53
Consultation Point	Section 4: The Development Strategy and Strategic Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 4: The Development Strategy and Strategic Policies	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

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This policy must reflect a post covid pandemic factors, enconomic and social, where the Local Plan should be returned for this evaluation to take place, and further consultation to define policy where the post pandemic thinking can be considered for a revised Local Plan.

Local Plan fails to take any account of the post pandemic encomonic and social conditions, and superseeds the assumptions made in the data forming the base of the current Plan.

Question 6

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Local Plan should be returned for further consultation and revision to consider post pandemic conditions.

Question 7

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Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1280
Response Date	04/06/21 15:51
Consultation Point	Section 5: Place Shaping Policies (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
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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.

Section 5: Place Shaping Policies

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.

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Here the assumptions are made concerning the Green Belt Land, but the protection is not delivered on the assessment of sites called in, and many examples of sites offered for inclusion in the Local Plan are on Green Belt Land, and this should not happen except exceptional circumstances, and there is no clear evidence that the circumstances are exceptional.

Green Belt Land is the very last resort when every other location is developed, far from the case in the Plan.

Development on Flood Plain should not be considered suitable for development, even if supported by studies and reports that declare it is safe to do so: these reports are wishful thinking, and evidence from other areas of the UK support a policy of NOT developing Flood Plain areas.

The developments included in the Local Plan that are on Green Belt Land, and AONB, and Flood Plains should be excluded from development.

The Local Plan should be returned for these revisions, and exclusions to be put in place, and further consultations undertaken.

The Local Plan fails to give protection to Green Belt Land, and AONB.

The Local Plan proposes development on Tudley Flood Plain, and this threatens the safety and security of homes, property and persons.

The Local plan should be returned for these failures to be addressed.

Question 6

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All land on Green Belt should be removed from development in the Local Plan, as Green Belt Land is protected.

All land in AONB should be removed from development in the Local Plan, and only separate consideration of each plot and building should be considered by the local Planning Committee, who should have the powers to approve or disapprove, without pressure from Planning Officers. This should be Planning Control be the local community.

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:

The process of making and delivering a Local Plan is complex, and there is little opportunity to make a contribution in a way that allows the voice of the ordinary folk of the town heard, and where the principles of a fair and equitable society are delivered.

I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1309
Response Date	04/06/21 15:49
Consultation Point	Types of Housing Delivery (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Chris Gow
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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.

Types of Housing Delivery

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.

There is no policy that directly applies to cheap housing for low paid sections of the community, and deals with no other type of housing.

There should be a policy that is only concerned with low cost housing.

The level of cost must be set with reference to local conditions, and is not workable if national calculations are applied.

Affordable housing and social housing disguise the requirement to build houses that are sold at a cost that is manageable by low paid workers or low income households.

The level of cost must be set with reference to local conditions, and is not workable if national calculations are applied.

Affordable housing and social housing disguise the requirement to build houses that are sold at a cost that is manageable by low paid workers or low income households.

Not having such a policy that delivers housing for low paid workers is failing to provide equitable opportunity to all members of the citizens of the borough.

Question 6

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There should be a policy that is only concerned with provision of low cost housing, at a cost that is manageable by the lowest paid income groups in 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

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I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

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	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1326
Response Date	04/06/21 15:48
Consultation Point	Economic Development (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
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.	
Economic Development	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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There should be reference to the post covid pandemic economy which will have a serious impact on the decisions that shape the local plan.

The Local Plan should be returned and rewritten to take account of post pandemic economy and social changes.

Question 6

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The Local Plan should be returned and rewritten to take account of post pandemic economy and social changes.

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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I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1342
Response Date	04/06/21 15:46
Consultation Point	Policy ED 2 Retention of Existing Employment Sites and Buildings (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
Question 3	
To which part of the Local Plan does this representation 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 2Retention of Existing Employment Sites and Buildings	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- ☐ It is not positively prepared
- ☐ It is not effective
- ☐ It is not justified
- ☐ It is not consistent with national policy

Question 5

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There should be freedom to change of use for retail and shop buildings and premises as the economy of the post pandemic changes and there should be the ability in the Local Plan to change these buildings and premises to residential use, providing possible low cost flats in areas where employment opportunities exist nearby for residents. This will reduce dependancy on cars, and provide opportunity to exploit affordable public transport.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? ☐ Yes, I wish to participate in hearing session(s)

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1351
Response Date	04/06/21 16:07
Consultation Point	Town, Rural Service and Neighbourhood Centres, and Village Settlements (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
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.	
Town, Rural Service and Neighbourhood Centres, and Village Settlements	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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The Local Plan fails to preserve the identity of settlements, and has set aside land for development that will result in the merging to settlements and indistinct urban masses where local identity is lost.

For example the development between Southborough and Tunbridge Wells along the A 26 will result in urban sprawl and loss of individual identity. There are other examples in the Plan.

A stronger policy should be defined where this merging and development of urban sprawl is avoided.

Question 6

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Stronger policy defined here to avoid sprawl.

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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I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Comment

Consultee	Chris Gow [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chris Gow [REDACTED]
Comment ID	PSLP_1360
Response Date	04/06/21 16:30
Consultation Point	Transport and Parking (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Chris Gow
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.	
Transport and Parking	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	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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There is inconsistent and ineffective policies to direct and control the use of private cars in the borough, and a lack of policies that will encourage the use of public transport or walking and cycling routes in the borough.

The diverse nature of the borough, covering rural and urban areas, means there has to be a series of policies that allows transport opportunity in the rural areas but restricts the use of personal car journeys.

There should be policies that control the car parking in urban areas, and the invasion of vehicles onto pedestrian space (pavements) so walking routes can be encouraged and deployed to promote clean air policy.

There should be policies to encourage Low Traffic Neighbourhoods in all urban areas across the borough to improve the amenity of residents, and to encourage sustainable walking and cycling travel.

Question 6

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The Local Plan should be returned for rewriting and consultation to include these policies.

Question 7

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Question 7a

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I can make a contribution to the Inspector, and be a spokesperson for the ordinary citizen in Tunbridge Wells Borough.

Comment

Consultee	Mrs D Green [REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs D Green [REDACTED]
Comment ID	PSLP_1106
Response Date	01/06/21 09:00
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Letter
Version	0.9
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs D Green
Question 3	
To which part of the Local Plan does this representation relate?	Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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My name is Mrs D Green of the above address, where I have lived for 34 years and previously for 20 years on the North side of Paddock Wood on Maidstone Road.

I am writing to you with regards yours plans to close the Railway Bridge to all traffic except Busses. I find this idea a bad one for many reasons but the main one is that my Mother who needs help to get anywhere, as she can no longer walk far due to ill health lives on the North side of the bridge. I walk to her if I am just visiting, but if she needs shopping or to be taken anywhere, or even calls us in an emergency it is currently quick for us to get to her by car. If your plans go ahead it will take at least 10 minutes to get to her on a good day if the traffic is good, if not longer. This frightens me.

The proposed plans in my opinion will cause far more congestion and pollution in and around Paddock Wood and are not going to make life better for the residents of the area and are just cutting off one side of the area from the other. This is not acceptable in my view.

By all means cut the speed limit if this will make the area safer but not residents off from each other.

I hope you seriously reconsider this decision as in my opinion it is definitely the wrong one.

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	Vince Greene [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vince Greene [REDACTED]
Comment ID	PSLP_574
Response Date	28/05/21 12:11
Consultation Point	Pre-Submission Local Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	

Respondent's Name and/or Organisation	Vince Greene
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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.

STR/SS1

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have been a rambler in the area for many years and use the footpaths in the Paddock Wood / Capel area quite a lot because I enjoy the physical and mental benefits of walking in the area and to nearby villages. I have a deep love of nature and appreciate our need and reliance on it, not only for food production but for biodiversity, pollination and clean air.

There are many veteran and possibly ancient oaks in and between copses between Paddock and Capel as well as a rich diversity of wildlife in the quarry lakes in the vicinity; this with wetlands and ditches. The proposed removal of vast tracts of Green Belt would severely impact this wildlife severely and the essential and national activity of rambling, for me and countless others - permanently here for all future generations.

Wild animal life would be severely affected by mass house building, not just by having less space to survive but for lack of food. This would impact the food chain through appalling and irreversible damage to biodiversity in this region. This with the loss of Green Belt farmland would mean a marked decrease in the ability to feed our borough and to have good food quality and quantity from any land remaining. As all other boroughs in the country are facing the same prospects, the developments are not in the 'national interest' because they would contribute to the progressive lack of farming space. This is an alarming prospect because the UK simply cannot afford to import most of its food. The Local Plan is 'not consistent' with national policies for Green Belt and AONBs, and the mass release of Green Belt for development is 'unsustainable' because of the 'unique impact' on it of being converted en masse to housing.

'Exceptional circumstances' are needed to release Green Belt but there is none defined in NPPF or Planning Practice Guidance. Green Belt release may be ameliorated or reduced to the lowest reasonably practicable extent but in the case of Paddock Wood / Capel in this development, there would be 'High Harm' to it.

The amount of trees and hedgerows needing felling for the developments is also of deep concern to me. The clean air produced from trees is essential to counteract pollution, and birds and wildlife generally need contiguous hedgerows, copses and woods to form a country-wide network. Isolated wildlife areas in the midst of farmland and housing suffers for lack of accessibility to food, nesting places and mating partners and I am particularly concerned about 'veteran' trees, hedgerows and woods in and around Paddock Wood and Capel. Some trees in Capel are hundreds of years old and form part of our heritage as well as being there for pleasure and the appreciation of our natural environment. Plus, the long term detrimental effect on the leisure industry from the progressive lack of green space has not been adequately addressed and mapped in the Local Plan either.

The proposed 'green and blue' areas in the Neighbourhood Plan of Capel have not been legally defined in the Local Plan. There is no detailed account of how these will be mapped, created, maintained, protected or how any of this would be policed.

Fields used for hops and farming generally are part of our heritage and may be needed again if anything detrimental should happen to the national, European or world economy - as well as from having to

feed an increased population in coming decades. The threat of future pandemics like the current Covid 19 outbreak have also not been addressed. There could be a time when food imports are severely affected, resulting in starvation for whole regions no longer able to grow their own food locally and unable to import due to fears of disease transmission and unable to afford imports anyway.

There has not been enough use of brownfield sites such as of the old cinema site opposite the council offices in Tunbridge Wells. Inner town regeneration, though costing more initially, seeds tremendous and spectacular benefits later on in giving proximity to town centres and giving easy access to facilities and infrastructure already in place. Use of brownfield sites prevents towns and villages from merging into one another and exacerbating problems, as would be the case with the proposed mass house building in Paddock Wood / Capel. Brownfield usage also helps to stop inner towns becoming run-down, derelict, poverty-ridden crime spots covered in graffiti, that threaten to bring down whole regions and inevitably, house prices too.

This all amounts to a shocking failure of 'soundness'! This development must not proceed.

Question 6

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The windfall targets of 'c + 10%' and 'c + 26%' should be abandoned and the Standard Calculation of the government be used instead. The Local Plan is based in part on a massive increase in population that is wholly unrealistic up to 2038 and i challenge that used and tabulated therein. There is a rich vein of brownfield land and thousands of vacant properties in the borough. These can easily be used long before any mass house building comes into play. As stated above, the benefits long term are fantastic.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

My deep appreciation of nature and the area as a rambler means i am highly valuable for any meetings being held. Please include me.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The Local Plan as a whole should be suspended at central governmental level and submitted for a formal and independent review.

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	Vince Greene [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Vince Greene [REDACTED]
Comment ID	PSLP_277
Response Date	22/05/21 21:36
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Vincent Karl Greene
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not 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 have been a rambler in the area for many years and use the footpaths in the Tudeley area quite a lot because I enjoy the physical and mental benefits of walking in the area and to nearby villages. I have a deep love of nature and appreciate our need and reliance on it, not only for food production but for biodiversity, pollination and clean air.

The proposed removal of vast tracts of Green Belt would severely impact this essential and national activity, for me and countless others - permanently here for all future generations.

Wild animal life would be severely affected by mass house building, not just by having less space to survive but for lack of food. This would impact the food chain through appalling and irreversible damage to biodiversity. This with the loss of Green Belt farmland would mean a marked decrease in the ability to feed our borough and to have good food quality and quantity from any land remaining. As all other boroughs in the country are facing the same prospects, the developments are not in the 'national interest' because it would contribute to the progressive lack of farming space. This is an alarming prospect because the UK simply cannot afford to import most of its food. The Local Plan is 'not consistent' with national policies for Green Belt and AONBs, and the mass release of Green Belt for development is 'unsustainable' because of the 'unique impact' on it of being converted en mass to housing.

'Exceptional circumstances' are needed to release Green Belt but there is none defined in NPPF or Planning Practice Guidance. Green Belt release may be ameliorated or reduced to the lowest reasonably practicable extent but in the case of Tudeley there would be 'High Harm' to it.

The amount of trees and hedgerows needing felling for the developments is also of deep concern to me. The clean air produced from trees is essential to counteract pollution, and birds and wildlife generally need contiguous hedgerows, copses and woods to form a country-wide network. Isolated wildlife areas in the midst of farmland and housing suffers for lack of accessibility to food, nesting places and mating partners and i am particularly concerned about 'veteran' trees, hedgerows and woods around Tudeley. Some trees in Tudeley are hundreds of years old and form part of our heritage as well as being there for pleasure and the appreciation of our natural environment. Plus, the long term detrimental effect on the leisure industry from the progressive lack of green space has not been addressed in the Local Plan either.

The proposed 'green and blue' areas in the Neighbourhood Plans have not been legally defined in the Local Plan. There is no detailed account of how these will be mapped, created, maintained, protected or how any of this would be policed.

Fields used farming are part of our heritage and may be needed again if anything detrimental should happen to the national, European or world economy - as well as from having to feed an increased population in coming decades. The threat of future pandemics like the current Covid 19 outbreak have also not been addressed. There could be a time when food imports are severely affected, resulting in

starvation for whole regions no longer able to grow their own food locally and unable to import due to fears of disease transmission and unable to afford imports anyway.

There has not been enough use of brownfield sites such as of the old cinema site opposite the council offices in Tunbridge Wells. Inner town regeneration, though costing more initially, seeds tremendous and spectacular benefits later on in giving proximity to town centres and giving easy access to facilities and infrastructure already in place. Use of brownfield sites prevents towns and villages from merging into one another and exacerbating problems, as would be the case with the proposed mass house building at Tudeley. Brownfield usage also helps to stop inner towns becoming run-down, derelict, poverty-ridden crime spots covered in graffiti, that threaten to bring down whole regions and inevitably, house prices too.

This all amounts to a shocking failure of 'soundness'!

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.

Because the population of the UK and of the borough is not going to increase by the phenomenal rates proposed in the forecast in the Local Plan, which I challenge, the Standard Calculation of the government for house building should be used instead for the Local Plan and the 'c + 10%', 'c + 26%' and 'windfall' calculation tools abandoned. In addition, use of brownfield land and less emphasis on Tudeley is key.

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:

My love and passion for the area and awareness of the issues make me a highly valuable addition to any meetings. Please include me in as many of them as possible.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Use of brownfield sites and vacant properties in Tunbridge Wells is a more common sense approach rather than letting developers build more or less where they want to. I don't want to see needless destruction of countryside where other avenues are available. Having thousands of new homes in the borough within a generation would mean an incredible doubling of the population (looking at what's happening nationwide) and this is simply not a realistic forecast.

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	Vince Greene [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Vince Greene [REDACTED]
Comment ID	PSLP_136
Response Date	14/05/21 19:33
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Vince Greene
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have been a resident of Paddock Wood for 14 years and have worked here for some of that time. I have a deep love of nature and our need and reliance on it, not only for food production but for biodiversity, pollination and clean air.

I am a ramblor of the countryside and enjoy the physical and mental benefits of walking around Paddock Wood and to nearby villages. The proposed removal of vast tracts of Green Belt would severely impact this essential and national activity, for me and countless others - permanently for all future generations.

Wild animal life would be severely affected by mass house building, not just by having less space to survive but for lack of food. This would impact the food chain through appalling and irreversible damage to biodiversity. This with the loss of Green Belt farmland would mean a marked decrease in the ability to feed our borough and to have good food quality and quantity from any land remaining. As all other boroughs in the country are facing the same prospects, the developments are not in the 'national interest'. This is an alarming prospect because the UK simply cannot afford to import most of its food. The Local Plan is 'not consistent' with national policies for Green Belt and AONBs, and the mass release of Green Belt for development is 'unsustainable' because of the 'unique impact' on it.

'Exceptional circumstances' are needed to release Green Belt but there is none defined in NPPF or Planning Practice Guidance. Green Belt release may be ameliorated or reduced to the lowest reasonably practicable extent but in the case of Paddock Wood there would be 'High Harm' to it. I suspect the release of Green Belt land near Tudely Brook Farm on Whetstead Road on Paddock Wood's north west corner has not fulfilled all legal requirements and might have to be reversed. The 'strong barrier' it is said to be creating here is not strong because it is a precedent to further Green Belt release.

The amount of trees and hedgerows needing felling for the developments is also of deep concern to me. The clean air produced from trees is essential to counteract pollution, and birds and wildlife generally need contiguous hedgerows, copses and woods to form a country-wide network. Isolated wildlife areas in the midst of farmland and housing suffers for lack of accessibility to food, nesting places and mating partners and I am particularly concerned about 'veteran' trees, hedgerows and woods such as Foal Hurst Wood in Paddock Wood. Some local trees in other parts of the town are hundreds of years old and form part of our heritage as well as being there for pleasure and the appreciation of our natural environment. Plus, the long term detrimental effect on the leisure industry from the progressive lack of green space has not been addressed in the Local Plan either.

The proposed 'green and blue' areas in the Neighbourhood Plan of Paddock Wood have not been legally defined in the Local Plan. There is no detailed account of how these will be mapped, created, maintained, protected or how any of this would be policed. I understand the proposed water attenuation ponds will be part of them but nothing is legally binding yet. I am also worried for the protection of Bluebell Wood in Paddock Wood off Church Road and of the seeming lack of definition between the new building site and the wood and orchard beyond.

Fields used for hops and farming generally are part of our heritage and may be needed again if anything should happen to the national, European or world economy - as well as from having to feed an increased population in coming decades. The threat of future pandemics like the current Covid 19 outbreak have also not been addressed. There could be a time when food imports are severely affected, resulting in starvation for whole regions no longer able to grow their own food locally and unable to import due to fears of disease transmission.

There is not enough provision for sewage treatment. I have seen the town centre flood very quickly many times as well as other areas of town like Church Road. The town's sewage and rain water run-off is at capacity. Consequently, the amount of potable and washing water needed for mass house building is not attainable. There are recent reports in the media of attenuation ponds in other parts of the country overflowing and of being accidentally contaminated with sewage in times of flooding. The proposed attenuation ponds for Paddock Wood are therefore a possible threat for the transmission of waterborne disease eradicated from the western world in the 19th century. The town also lies at the bottom of a huge regional basin.

I always find it a little unnerving walking through the Paddock Wood east car park as it is invariably full of cars manoeuvring or parked. There is therefore little to no space available for any more cars. The proposed increase in houses means there would be many more people wishing to use the shops, but they will find it very hard if not impossible to park there or anywhere else. They will not find many spaces in Commercial Road (the high street). I always see a traffic jam when I walk through there and the town centre is clearly at traffic capacity.

There has not been enough use of brownfield sites such as of the old cinema site opposite the council offices in Tunbridge Wells. Inner town regeneration, though costing more initially, seeds tremendous and spectacular benefits later on in giving proximity to town centres and giving easy access to facilities and infrastructure already in place. Use of brownfield sites prevents towns and villages from merging into one another and exacerbating problems raised above; as would be the case with Capel and Paddock Wood. Brownfield usage also helps to stop inner towns becoming run-down, derelict, poverty-ridden crime spots covered in graffiti, that threaten to bring down whole regions and inevitably, house prices too.

This all amounts to a shocking failure of soundness!

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.

Because the population of the UK and of the borough of Tunbridge Wells is not going to increase at the phenomenal rate proposed to justify the massive development (birth rates are dropping markedly), the government's Standard Calculation for assessing house-building numbers must be used. The added 'c + 26%' figure for 'uncapped' and 'windfall' targets has to be abandoned!

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:

My alarm at the savage extent of the proposed developments together with my keen understanding of its needless long term detrimental effects, coupled with my deep concern about a fantastic region and it's natural environment make me an invaluable addition to any meetings and consultations. Please consider me for attendance and keep me informed.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Reevaluate brownfield site usage and regeneration of existing and vacant properties to significantly reduce housing development impact. Reinvigorating towns is a better long term strategy that is a more common sense approach that generates fewer problems but yields greater dividends for the future. There are a huge number of vacant properties in 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

Consultee	Mr Derek Gregory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Derek Gregory [REDACTED]
Comment ID	PSLP_400
Response Date	25/05/21 19:35
Consultation Point	Map 48 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Mr & Mrs D L Gregory
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL/HA5	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

FACTS:

- 1 In 2014 a previous housing scheme for 120 houses on the same site was dismissed on appeal to protect the landscape and natural beauty in an AONB
- 2 Without suitable direct access onto Rye Road, any further application was deemed unlikely to succeed.
- 3 In 2016 Riverdale Developments purchased land now forming Birchfield Grove to the south of Site 413 from Rydon Homes Ltd, who had previously purchased part of the garden of Birchfield House. These properties were marketed as having "stunning views over Kent countryside".
- 4 In 2020 Riverdale Developments filed Copy Access Deed of Easement for 5 years in favour of Rydon Homes, permitting access from Birchfield Grove across a narrow eco-strip to Site 413
- 5 Rydon Group's focus is in construction, maintenance and house building, as well as in health-care joint ventures
- 6 Rydon Group was the lead contractor overseeing the refurbishment of Grenfell Tower 2014-2016. The group is no longer allowed to bid for public contracts either by the Government or the Mayor of London
- 7 In 2020 TWBC's Draft Local Plan contained provision for a medical centre and 100 houses on Site 413
- 8 In Jan 2021 Site 413 was removed from the Pre-Submission Local Plan, and the medical centre was to be re-sited at KGV Playing Fields adjacent to the new Community Centre with shared parking availability
- 9 In Feb 2021 the doctors successfully lobbied for the medical centre to be reinstated on Site 413, as they had an offer of 0.79 hectare "free" land. This would clearly enhance the profitability of the new joint practice and inflate the potential selling price on retirement.
- 10 Hawkhurst Parish Council, speaking on behalf of the local community, would make land available at KGV. In addition, the Community Hospital is already an NHS facility, whilst the Golf Club Redevelopment Application includes mention of a medical centre facility.
- 11 Both the doctors and TWBC have declined to provide relevant information requested under the Freedom of Information Act.
- 12 KCC Highways acknowledge concerns about access into Rye Road and regard the Hawkhurst crossroads as being at full capacity.
- 13 As Site 413 is located at the eastern edge of the village, virtually all traffic from the medical centre would need to turn right into Rye Road, before distributing 3-ways at the crossroads.

QUESTIONS:

- 1 Why should the doctors' commercial interests trump the interests of the community?
- 2 Why should a carbuncle be allowed such a prominent position in an AONB, particularly when alternatives are readily available?

- 3 Are we to believe that the medical centre would not be followed by an Application for housing too?
- 4 How might the exit into Rye Road and the substantially increased traffic at the crossroads be accommodated?
- 5 Would it not be ironic for a medical centre to be the cause of further deterioration in air quality in the village?

Question 6

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The only possible modification to the Local Plan to make it sound is to remove AL/HA5 from the Plan and reposition the medical centre at King George V Playing Fields, adjacent to the new Community Centre.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Sharon Benita Gregory [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Sharon Benita Gregory [REDACTED]
Comment ID	PSLP_1436
Response Date	03/06/21 16:43
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs Sharon Benita Gregory
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 2 The Strategy for Paddock Wood Town Centre	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This plan which proposes to prevent all vehicles except buses travelling to Paddock Wood via Maidstone Road has not been positively prepared. It has penalised a section of people living in the East Peckham, Maidstone direction. It is not effective because all that will happen is a larger volume of traffic will be forced onto an alternative route, via Five Oak Green direction. This is a heavily used road already without redirecting more traffic to it. It does not also take into account the large volume of residential development in that area which will have its own increase in traffic.

This major proposal has also not been widely advertised. Even Paddock Wood Town Council learned of it only recently. Such a change should be well advertised and a formal meeting held inviting all those concerned.

I support improved areas for cycling and pedestrians, however not everyone is physically able to adopt this method of transport, and public transport in this direction is an expensive alternative and has a very limited timetable. I cycled to Paddock Wood from East Peckham for some years, and asked for a cycle path from that direction but it would seem that was never a possibility. I therefore continued to cycle the journey, sharing with all manner of vehicles. The road speed could be reduced for safety, ie 40mph instead of 50-60mph.

The proposals do not take into account how people will be able to get to the Waitrose car park Paddock Wood for example if they proposed to close Commercial Road from the East Peckham direction. Cycling is all very well but you cannot shop for a family of 4 or 5 on a bicycle, therefore this plan has forgotten reality.

The proposed scheme may have looked at other towns for comparison, but the road system in Paddock Wood is much smaller in the variety of options available, and really cannot be used in the same way.

The amount of housing which is being added to the outskirts of the town will lead to more car users because of the distance to the centre.

Question 6

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It is a fact that idling traffic stuck in jams creates more pollution than when traffic can flow through areas. The road leading to the bridge is blocked a lot of the time by parked cars which creates a hold up in both directions. I sympathise with those that park there but I believe there should be an allocated parking area off-road, perhaps on land which is vacant (ie near the dentist practice). It should also restrict parking during peak times to enable traffic to flow. I believe many other town centres would not have allowed parking on such a key road as has happened into Paddock Wood.

With regard to proposal of 20mph speed limits, I would like to add that the general public needs to be re-educated on the current range of speed limits, ie 30mph, 40mph, 50mph and so on. 20mph in a car is not a realistic one, and even a fast cyclist would probably travel faster than this.

The road speed where cyclists and vehicles share could be reduced for safety, ie 40mph instead of 50-60mph which would not inconvenience drivers too much if adhered to.

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:

There are major changes to residents and it needs a wide audience.

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	Annabel Greig ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Annabel Greig ([REDACTED])
Comment ID	PSLP_1354
Response Date	04/06/21 16:26
Consultation Point	Policy AL/RTW 6 Land at 202 and 230 Upper Grosvenor Road (View)
Status	Processed
Submission Type	Web
Version	0.1
Question 1	
Respondent's Name and/or Organisation	Annabel Greig
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
AL RTW/6	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not effective because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I would suggest that this plan is not sound because the proposed development on Upper Grosvenor Road would not comply with the policies of the NPPF. I am of this opinion for the following reasons:

- 1 The site is not of a suitable size for such a development and planning applications in similar cramped sites are refused
- 2 Loss of essential green buffer zone between railway line and Upper Grosvenor Road. Substantial number of trees will be removed to accommodate such a large development
- 3 Light, noise and air pollution will be increased in the area
- 4 The need for density dictates that the apartments be deep blocks and will not be pleasant to live in due to removal of trees, cold, windowless spaces and limited ventilation.
- 5 Access - the small site and triangular shape are not suitable for a development of this size and its access requirements
- 6 Parking - overflow onto Upper Grosvenor Road and surrounding areas potentially hazardous
- 7 Increased risk of road traffic accidents in an area which already has a history of collisions, with two known deaths. A large number of school children travel along the road on foot. Road narrowing will only exacerbate this and hinder access for emergency vehicles. Speeding is already a problem on Upper Grosvenor Road.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The proposed development on Upper Grosvenor Road should not proceed.

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	pianodan Grimwood [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	pianodan Grimwood [REDACTED]
Comment ID	PSLP_857
Response Date	03/06/21 11:48
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	Daniel Grimwood
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR/SS1

STR/SS2

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

A lot of the building is on greenbelt, but government policy is to preserve greenbelt.

Infrastructure First policy has not been implemented.

The scale of development is hugely inconsistent with the rest of the borough.

Building on floodplains is potentially problematic.

Public consultation has been ineffective.

Question 6

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The pandemic is changing our world. The speed of building seems precipitous when we don't know how many existing buildings will be left vacant when the world returns to normal. Brown field developments should be more fully exploited before the countryside is irrevocably damaged.

Infrastructure First should be more than words. Paddock Wood already struggles in some areas and the new builds will put (are already putting) massive pressure on our already stretched facilities. I understand the stamenet of

We are a small percentage of the borough but we are receiving a huge percentage of the borough's new builds. A wider distribution of building around the borough would be fairer. I am aware that Tonbridge and Malling delayed signing a Statement of Common Ground because of strains TWBC's gigantic developments would place on their services - I understand an uneasy agreement has been reached.

Paddock Wood floods. It would be better if sites for development be selected as *they are*, and not based on hypothetical future scenarios. If sites for development are selected based on future

projections, could that not mean that development can happen anywhere, regardless of flood risk and attached insurance issues? You should be mindful of the damage storms Ciara and Dennis inflicted on Wales after planning was granted in flood risk areas between 2016 and 2019. Residents there are still paying the price of that policy, which Dr Doug Parr, chief scientist at Greenpeace UK described as "literally planning for disaster".

As I write, I am acutely aware that my concerns are based on the research of myself and other residents of Paddock Wood - ergo, public consultation - what public consultation? We are in the midst of a global pandemic; would it not be better to put the brakes on until normal social interaction is possible again?

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I would like Paddock Wood residents to be fully aware of, and involved in any changes made to the future of Paddock Wood

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I grew up in Paddock Wood and have lived here for many years. For quite some time - long before the pandemic hit - it has been difficult to get doctor appointments. Residents are concerned this problem will get very much worse with a massive influx of new residents. In the booklet delivered by the Conservative Party just before the local elections, they make an effusive commitment to Infrastructure First: "When development does happen, our INFRASTRUCTURE FIRST policy means that schools, GP surgeries, open spaces and transport links are planned BEFORE housing". Does Paddock Wood have a new school? Has the GP surgery been expanded? Have we got more open space? Has our transport access been improved? Perhaps these things have been planned, but if they are merely going to catch up with the voracious pace of development here, that just isn't good enough and it is a very long way away from what has been promised. It is symbolised by the fact that a regeneration of the town centre was expected, but what has been delivered so far is a funeral director and a retirement home!

Several times I have spoken with people in the town, and a surprising number of people are unaware of the sheer scale of the developments, and unaware that the town will be a building site for the next almost two decades (I was told this by Steve Baughen himself). Many people simply don't know. That is a failure of public consultation. Don't believe me? Walk around Paddock Wood, show them exactly how many fields are about to be built over, and see how many people know. Many who do know tend to shrug and say something like "they'll do what they want, nobody can do anything about it". This isn't apathy, this is grim acceptance that they won't be listened to. Asthmatics like myself are complaining that our symptoms are worse since the building started, parents are concerned about the volume of traffic near the school, people should be aware that this is how it will be for the next almost two decades if the plans all go ahead.

I refer back to what I wrote in the previous answer, that sites should be selected as they exist rather

than based on future hypotheticals. My own home has come within a few millimetres of flooding on some occasions since I have lived here. All it takes is for your house to flood once for your life to be turned upside down. We are all worried about this. I have read the NPPF para 148 onwards, and what is set to happen in Paddock Wood seems at odds with what the document sets out with - I'm thinking in particular of para 149: "Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures". I would also add that the building work seems precipitous at an uncertain time when we do not know what post-pandemic world we will be returning to; will there be changes of building usage after offices are left empty? Will commuter patterns be changed forever?

As I write this really incredibly complicated form, being completely unsure whether I'm putting the right bits in the right boxes, I am wondering how committed the powers that be are to transparency and public consultation. It seems designed to confuse and intimidate, and I am absolutely certain that a large number of concerned residents won't have made it this far. I feel strongly that a real, robust public engagement is needed. This clearly won't be possible until normal social interactions are allowed again.

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	Carolyn Gunstone [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] East Peckham [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Carolyn Gunstone [REDACTED]
Comment ID	PSLP_916
Response Date	02/06/21 09:15
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Carolyn Gunstone
Question 3	
To which part of the Local Plan does this representation 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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Dear Sirs

I recently moved into East Peckham, being delighted with the area and very close, now I am widowed to my family. However I was aware at the time that development was planned at Capel.

Now however it is becoming very clear what such a vast development will effect all who live in the area. I really would like to express firstly, how almost cheeky it is for your council to propose such a development right on your border with Tonbridge and Malling district. The roads around here are very narrow and the fields are used for very productive farming. One that Covid has pointed out, even to people behaving like ostriches that we need to grow food well, we cannot continue to just import it from elsewhere. Your development would have major impact on all our small local roads. Your response would be perhaps to just widen them. The Medway valley doesn't respond well to flash floods as we have seen in the past. So more tarmac and concrete is certain to make this worse. Let alone a development on a hill, well wooded helping this environmental problem. That hill will be seen for miles around and the garden of England will be forever blighted. 4 thousand homes is the proposal. That means on an average of families 16 thousand more people and at least 4 thousand more cars. Medical care, schooling, in Tunbridge Wells or are you hoping to pass that issue into Tonbridge and Malling. I understand a new secondary school is planned at Summerhill. Edge of the busy A21, with all its potential pollution, I wonder if you have ever tried to drive on the Tudely road to the roundabout at 8-8-30 in the school morning, or tried to park and get on a commuter train. Or the other way into Paddock wood or Tunbridge Wells via the Pembury road or even the industrial park. These roads are at their absolute maximum now. Public transport would come to a standstill, let alone private cars.

I feel you as a council are taking the easy option. This area has seen the enormous deployment at Kings Hill. Do we actually need another. The centre of towns and cities are going to be quieter. Many companies are recognising there will be less need for the vast offices in their centres. It would make more sense to develop small sites by conversion of these spaces. People need homes, but we also need green spaces as lungs for our planet. Your proposal will severely damage any environmental credibility that you may aspire to. You cannot in 2021 propose such a damaging development. If you allow it to go ahead future generations living in this area will be living with the consequences for decades to come.

Please think environment first otherwise we will all be facing the consequences of your actions

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1631
Response Date	04/06/21 15:44
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-3_A-2_Highways and Transportation Report.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf

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Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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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Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

STRATEGIC POLICIES

Policy STR1 The Development Strategy

We support the broad development strategy for Tunbridge Wells set out in the policy and in particular part 3b which promotes the creation of a new garden settlement at Tudeley Village. Further detail in support of this allocation is provided in Section 5 of this document.

[TWBC: for full representation, please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

Future Notifications

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Supporting Information File Ref No: SI_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1632
Response Date	04/06/21 15:44
Consultation Point	Policy STR 4 Ensuring Comprehensive Development (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-2_A-1_Ecological Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-3_A-2_Highways and Transportation Report.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 4 Ensuring Comprehensive Development

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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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Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy STR4 Ensuring Comprehensive Development

We support the principle of this policy, which requires masterplans for the urban expansion of Paddock Wood and Tudeley Village. Despite this in principle support for masterplans, we would question the need for a detailed SPD for Tudeley Village given that the land is entirely within the ownership of the Hadlow Estate, ensuring that development will come forward comprehensively and following significant public consultation in accordance with a masterplan.

There is an ability to bring forward and adopt a masterplan for the site without the requirement to undertake the full SPD process. This would be consistent with paragraph 126 of the NPPF which states, in relation to design guides and SPDs, that their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.

[TWBC: for full representation, please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1633
Response Date	04/06/21 15:44
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 5 Infrastructure and Connectivity

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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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Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

[TWBC: for full representation, please see supporting documents]

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.

Policy STR5 Infrastructure and Connectivity

We support this policy as proposed, however request for clarity that the text or supporting text be amended to clearly state that Capel/ Paddock Wood will be exempt from CIL.

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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Future Notifications

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Supporting Information File Ref No: SI_85a-i

Comment

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Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1634
Response Date	04/06/21 15:44
Consultation Point	Policy STR 6 Transport and Parking (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf

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Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation 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

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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[TWBC: for full representation, please see supporting documents]

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Policy STR6 Transport and Parking

Part b1 of this policy commits to the establishment of rapid bus/transport links, including from Paddock Wood to Tonbridge (via Tudeley Village). While we support the establishment of such transport links, we request that the policy wording is amended to refer to "regular" or "frequent" links rather than "rapid", as this is what is no doubt intended and can be justified in policy terms.

The policy also proposed the incorporation of electric car charging points (or any new technology requirements) into new developments. While this is supported in principle, and indeed encouraged by paragraphs 105 and 110 of the NPPF, the policy should reference the practicality of universal electric charging points in new development and factor in the constraints of grid capacity where applicable. Wording should be inserted into the policy acknowledging that limitations on grid capacity may restrict developers' ability to provide universal ECV infrastructure.

Question 7

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Question 7a

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Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1635
Response Date	04/06/21 15:44
Consultation Point	Policy STR 7 Climate Change (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf

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Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 7 Climate Change

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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Question 4a

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Policy STR7 Climate Change

We support this policy, however we would suggest additional wording to part 2 where the policy states that decentralised heating and cooling networks will be given particular consideration in the largest strategic development locations. While we support this in principle, additional text should be added to the policy to make clear that this will only be considered where initial feasibility studies have concluded it is a workable solution.

Question 7

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Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1636
Response Date	04/06/21 15:44
Consultation Point	Policy STR 9 Green Belt (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP 1630-1645 Turnberry for Hadlow Estate SI-5 A-4 Hertitage Constraints Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-9 A-8 Development Strategy.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-1 Representation.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-2 A-1 Ecological Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-7 A-6 Landscape and Visual Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-6 A-5 Archaeology Assessment.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-8 A-7 Green Belt Appraisal.pdf PSLP 1630-1645 Turnberry for Hadlow Estate SI-4 A-3 Flood Risk Review.pdf

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Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 9 Green Belt

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

Question 4

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Complies with the Duty to Cooperate Yes

Question 4a

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Policy STR9 Green Belt

The policy notes that the Council will seek improvements to the environmental quality and accessibility of the surrounding Green Belt from all relevant development within the Green Belt, including if appropriate in the form of financial contributions. This approach is compliant with paragraph 138 of the NPPF which states that Plans should set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

While we do not object to the principle of this policy, it will be crucial to define what this means in relation to Tudeley Village and the type and scale of compensatory measures required, particularly in relation to financial contributions.

[TWBC: for full representation, please see supporting documents]

Question 7

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Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1630
Response Date	04/06/21 15:44
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf

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Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

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Policy STR/SS 3 The Strategy for Tudeley Village

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

Question 4

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Question 4a

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Policy STR/SS 3 The Strategy for Tudeley Village

Housing

We support the revised delivery figures for Tudeley Village, which now confirm that 2,100 of the total allocate dwellings are to be delivered within the Plan period. Further to this, we support the policy requirements for high quality layout and design and good levels of permeability to encourage more sustainable modes of transport.

Transport

Paragraph 5.190 of the Plan states that the Five Oak Green bypass is largely required to alleviate issues caused by strategic development at Tudeley Village and the viability assessment shows that this can be delivered wholly by the Tudeley Village Garden Settlement. The supporting text should clarify that highway modelling will need to be updated to take into account the change in location of the proposed secondary school from that contained in the Regulation 18 Plan and the closer proximity to Paddock Wood will result in a greater share of increased traffic coming from this area such that the funding/ delivery strategy for the bypass will draw proportionately having regard to the impacts caused by each development.

[TWBC: for full representation, please see supporting documents]

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Comment ID	PSLP_1637
Response Date	04/06/21 15:44
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.5
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Policy EN 1 Sustainable Design

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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Policy EN1 Sustainable Design

We support this policy and its ambitions, although for clarity request that point 8 should be amended to refer to "low to zero carbon technology" rather than "low and zero carbon technology".

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Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 20 Agricultural Land

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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[TWBC: for full representation, please see supporting documents]

Question 6

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Policy 20 Agricultural Land

We restate our earlier position that the assumption that land is classified as best and most versatile in the absence of site specific ALC studies should be deleted from the policy.

Question 7

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Question 7a

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Supporting Information File Ref No: SI_85a-i

Comment

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Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1639
Response Date	04/06/21 15:44
Consultation Point	Policy EN 21 Air Quality (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf

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Question 1

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Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 21 Air Quality

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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Policy EN21 Air Quality

We support the principle of the policy, but we question the description of Electric Vehicle Charging (ECV) infrastructure as a "small-scale mitigation measure". While this may be true in some cases, it is clear that in developments such as Tudeley Village the introduction of ECV infrastructure will have significant implications in terms of grid capacity and is likely to require reinforcement. It is clear in this context that the installation of ECV infrastructure at Tudeley does not constitute a small-scale measure.

[TWBC: for full representation, please see supporting documents]

Question 7

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Question 7a

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Supporting Information File Ref No: SI_85a-i

Comment

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Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1640
Response Date	04/06/21 15:44
Consultation Point	Policy EN 26 Sustainable Drainage (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf

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Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 26 Sustainable Drainage

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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Do you consider that the Local Plan is not sound because:

Question 5

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Policy EN26 Sustainable Drainage

We support the inclusion of a policy for sustainable drainage provision, but the text should be expanded to specifically note that integrated drainage design is not always possible where it conflicts with objectives to provide high-quality urban design.

Question 7

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Supporting Information File Ref No: SI_85a-i

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Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1641
Response Date	04/06/21 15:44
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-3_A-2_Highways and Transportation Report.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf

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Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 3 Affordable Housing

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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Policy H3 Affordable Housing

As stated previously in our submission to the Reg 18 Plan, we do not consider this Policy to be justified or effective as it is overly prescriptive in terms of the phasing of affordable housing and the type of tenures anticipated. Further viability evidence will be required to justify the approach taken. Moreover, the use of the higher accessibility standard on all affordable dwellings is not proportionate and will mean those dwellings will have to be designed differently to their market housing neighbours which cuts across the aspiration for being tenure blind in the preceding part of the Policy.

[TWBC: for full representation, please see supporting documents]

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Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1642
Response Date	04/06/21 15:44
Consultation Point	Policy ED 8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf

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Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

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Policy ED 8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

Question 4

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Is sound Yes

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Question 4a

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Policy ED8 Town, Rural Service and Neighbourhood Centres, and Village Settlements Hierarchy

We welcome and fully support the addition of supporting text to this policy acknowledging that new neighbourhood centres will be developed at Tudeley Village and confirming that this development will be supported by the policy.

[TWBC: for full representation, please see supporting documents]

Question 7

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Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1643
Response Date	04/06/21 15:44
Consultation Point	Policy TP 3 Parking Standards (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-2_A-1_Ecological_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf

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Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

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Policy TP 3 Parking Standards

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

Question 4

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Although we consider the Plan that the Plan is sound generally, we consider that certain details of the policies identified in our representations require amendment. These amendments are set out in our submitted representation and supporting technical evidence.

1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy TP3 Parking Standards

As we have previously stated, we are concerned that this policy is going beyond specifying standards and will inhibit the design process with immovable redlines such as:

- . Banning tandem parking unless no on-street parking is available; and
- . Specifying how many open sides a parking barn must have.

The Policy is going beyond guidance to stipulating a design response which will not result in positive planning. It also fails to acknowledge the principle of using design to steer people towards a pattern of use or activity that is more beneficial. For instance, a lack of use of tandem spaces may increase onstreet parking which is desirable in terms of providing 'side-friction' which in turn, slows down drivers. If there is insufficient parking then residents have the choice to utilise their tandem driveways. Excessive, convenient parking can have the contrary effect of increasing speed along roads with limited 'side-friction' and reducing the definition of front boundaries. The current policy is worded negatively and excludes positive design outcomes. It is therefore unsound. We suggest these matters are best left to a supplementary guidance document on parking/ design which can explore good and bad examples of the issues identified above.

[TWBC: for full representation, please see supporting documents]

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We would refer to paragraph 3.14 of the Procedure Guide for Local Plan Examinations which sets out the circumstances in which representors may be invited to appear at examination stage. It would be helpful to the LPA as well as the Inspector if we were invited to participate to assist the Inspector's understanding of a soundness or legal compliance issue. Moreover, as we are suggesting helpful modifications it would be appropriate for us to participate in hearing sessions related to those areas within which we have suggested modifications.

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_85a-i

Comment

Agent	Chris Pattison [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Turnberry
Address	[REDACTED] London [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hadlow Estate
Address	[REDACTED] [REDACTED] TONBRIDGE [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1644
Response Date	04/06/21 15:44
Consultation Point	Policy TP 5 Safeguarding Railway Land (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-8_A-7_Green_Belt_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-6_A-5_Archaeology_Assessment.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-4_A-3_Flood_Risk_Review.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-5_A-4_Heritage_Constraints_Appraisal.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-9_A-8_Development_Strategy.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-3_A-2_Highways_and_Transportation_Report.pdf PSLP_1630-1645_Turnberry_for_Hadlow_Estate_SI-7_A-6_Landscape_and_Visual_Appraisal.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 5 Safeguarding Railway Land

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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1 Comments on the Draft Plan

We have reviewed the Proposed Submission Plan and its supporting material to ensure the proposed spatial strategy for the Plan is both robust and justified in its identification of Tudeley for 2,800 homes. This section first reviews the Tudeley Village allocation and offers minor amendments to the detailed wording of the policy, before moving on to our observations on strategic and other supporting policies in the Plan. We set out our broad in principle support for the majority of the Plan's policies, however we make certain representations regarding amendments below.

Policy TP5 Safeguarding Railway Land

We support the principle of this policy but suggest that specific reference is added to Tudeley Village.

[TWBC: for full representation, please see supporting documents]

Question 6

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We suggest the addition of the following wording: "Where identified in accordance with the Masterplan to be developed in respect of Policy STR/SS 3 The Strategy for Tudeley Village, land either side of the railway line within Tudeley Village will be safeguarded for potential bridge crossings and a potential rail halt and shall not be made available for other uses unless specifically identified in the Masterplan".

Question 7

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Question 7a

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Event Name	Pre-Submission Local Plan
Comment by	Hadlow Estate [REDACTED]
Comment ID	PSLP_1645
Response Date	04/06/21 15:44
Consultation Point	Policy TP 6 Safeguarding Roads (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1630-1645_Turnberry for Hadlow Estate_SI-1_Representation.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-4_A-3_Flood Risk Review.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-6_A-5_Archaeology Assessment.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-8_A-7_Green Belt Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-7_A-6_Landscape and Visual Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-5_A-4_Heritage Constraints Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-2_A-1_Ecological Appraisal.pdf PSLP_1630-1645_Turnberry for Hadlow Estate_SI-9_A-8_Development Strategy.pdf

Data inputter to enter their initials here HB

Question 1

Respondent's Name and/or Organisation Hadlow Estate

Question 2

Agent's Name and Organisation (if applicable) Turnberry

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 6 Safeguarding Roads

[TWBC: for further comments by Hadlow Estate, please see Comment Numbers PSLP_1630-1645]

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

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TP6 Safeguarding Roads

We support the amended text of this policy relating to the A228 strategic link which confirms that work undertaken since the Draft Local Plan has indicated that this entirely off-line route is not necessary to mitigate the impacts of strategic growth at Paddock Wood and east Capel, and at Tudeley Village. Rather, as detailed in Policy STR 6 Transport and Parking, a part off-line new section of highway running to the north of a collection of houses along the A288, together with other on-line improvements to the A228 to the west, and a new highway link bypassing Five Oak Green, is proposed.

[TWBC: for full representation, please see supporting documents]

Question 7

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Question 7a

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Comment

Consultee	Vivien Halley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vivien Halley [REDACTED]
Comment ID	PSLP_1832
Response Date	03/06/21 15:12
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (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	Vivien Halley
Question 3	
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Policy AL/HA2 Brook House Cranbrook Road

Policy AL/HA3 Former Site of Springfield Nurseries, Cranbrook Road, Hawkhurst

Policy AL/HA4 Land to the north of Copthall Avenue and Highgate Hill, Hawkhurst

Policy AL/CRS1 Land at Brick Kiln Farm, Cranbrook Road

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, AL/CRS1 and AL/CRS3 – see Comment Numbers PSLP_1822, PSLP_1829, PSLP_1830, PSLP_1831, PSLP_1832 and PSLP_1833]

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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- . I strongly support the removal of the Hawkhurst Golf Course site and the overall reduction in the allocation of housing numbers within the village and therefore the reduction to the harmful impact to an Area of Outstanding Natural Beauty.
- . The Local Plan has not taken into account the 28 houses in Heartenoak Road that are currently under construction and which will have a significant impact on the inadequate infrastructure and constant traffic congestion within Hawkhurst and especially at the village crossroads and along Queens Road, Heartenoak Road and Ockley Road.
- . I do not consider that the remaining housing development numbers set out in policies AL/HA1 (White House), AL/HA2 (Brook House), AL/HA3 (Springfield Nurseries), AL/HA4 (Copthall Avenue) and in Cranbrook policies AL/CRS1 (Brick Kiln Farm) and AL/CRS3 (Turnden Farm) are justified because no assessment has been undertaken of the cumulative impact of allocations on the Flimwell junction, village crossroads and the increase in traffic using minor roads and lanes to avoid the congested crossroads. The recent planning application at Copthall was refused due to the impact on the crossroads and the AONB.
- . I do not consider that the remaining numbers set out in policies AL/HA2 (Brook House) and AL/HA3 (Springfield Nurseries) are justified because no assessment has been undertaken of the cumulative impact of the significant recent developments in Hawkhurst in the areas of Heartenoak Road, thus creating more traffic congestion and pollution at the crossroads in the village or more traffic using the local narrow roads and lanes in order to avoid queuing at the crossroads. It has been well documented that the crossroads in the village are already functioning over their capacity so an increase in traffic cannot be justified. When residents from Cranbrook return home for example from shopping in the village, instead of waiting at the crossroads they will resort to finding alternative routes and turn local narrow roads such as Queens Road, Heartenoak Road, Ockley Road, Winchester Road, Woodbury Road and Vale Road into speeding rat runs, causing

constant disruption, traffic noise and pollution to local residents and also damage to parked vehicles.

- . I do not consider that policies AL/HA1 (White House), AL/HA2 (Brook House), AL/HA3 (Springfield Nurseries), AL/HA4 (Copthall Avenue) and in Cranbrook policies AL/CRS1 (Brick Kiln Farm) and AL/CRS3 (Turnden Farm) are consistent with national policy because they do not focus development in sustainable locations and will not limit the need to rely on private car trips (NPPF paragraphs 103 and 104).
- . I consider the policies will fail to preserve or enhance the AONB (contrary to the NPPF paragraph 172).

Question 6

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- . Removal of policies AL/HA2 (Brook House), AL/HA3 (Springfield Nurseries), AL/HA4 (Copthall Avenue) and in Cranbrook policies AL/CRS1 (Brick Kiln Farm) and AL/CRS3 (Turnden Farm).
- . Modify the Local Plan to reflect the reduction in the overall housing numbers in Hawkhurst and Cranbrook as a result of the removal of the above policies and give consideration to the 28 houses currently under construction in Heartenoak Road.
- . Should any further housing development be undertaken in Hawkhurst and especially in the Cranbrook Road area, it would be essential to reduce the possibility for people to drive through local roads (i.e. rat runs) in order to avoid the queues at the crossroads. Car drivers travelling towards the A229 towards Maidstone from the A268 (from the direction of Sandhurst) should be prevented from driving down Queens Road, into Heartenoak Road, into Ockley Road and then into Winchester Road, in order to join the A229 and thus avoiding the crossroads. This could be achieved by blocking off this "rat run" at the junction between Ockley Road and Winchester Road. Adapting existing roads so they have pedestrian access only, has already been successfully implemented in other areas of Hawkhurst to prevent through traffic along the following roads:
 - . Northgrove Road
 - . Western Road
 - . Copthall Avenue/All Saints Road
- . The introduction of traffic calming measures in Queens Road and Heartenoak Road to prevent speeding traffic, improve safety and improve the quality of life of residents living along these extremely busy roads.

Question 7

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Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vivien Halley [REDACTED]
Comment ID	PSLP_1833
Response Date	03/06/21 15:12
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (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	Vivien Halley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
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[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, AL/CRS1 and AL/CRS3 – see Comment Numbers PSLP_1822, PSLP_1829, PSLP_1830, PSLP_1831, PSLP_1832 and PSLP_1833]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
	<input type="checkbox"/> It is not consistent with national policy

Question 5

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Version	0.6
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Vivien Halley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 1 Land at the White House, Highgate Hill

Policy AL/HA2 Brook House Cranbrook Road

Policy AL/HA3 Former Site of Springfield Nurseries, Cranbrook Road, Hawkhurst

Policy AL/HA4 Land to the north of Copthall Avenue and Highgate Hill, Hawkhurst

Policy AL/CRS1 Land at Brick Kiln Farm, Cranbrook Road

Policy AL/CRS3 Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies AL/HA1, AL/HA2, AL/HA3, AL/HA4, AL/CRS1 and AL/CRS3 – see Comment Numbers PSLP_1822, PSLP_1829, PSLP_1830, PSLP_1831, PSLP_1832 and PSLP_1833]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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Comment

Consultee	Vivien Halley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vivien Halley [REDACTED]
Comment ID	PSLP_1829
Response Date	03/06/21 15:12
Consultation Point	Policy AL/HA 2 Brook House, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Vivien Halley
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Question 4

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Is sound No

Complies with the Duty to Cooperate Don't know

Question 4a

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Question 7

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Comment

Consultee	Vivien Halley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vivien Halley [REDACTED]
Comment ID	PSLP_1830
Response Date	03/06/21 15:12
Consultation Point	Policy AL/HA 3 Former site of Springfield Nurseries, Cranbrook Road, Hawkhurst (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	Vivien Halley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

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Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	<input type="checkbox"/> It is not justified
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Consultee	Vivien Halley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Vivien Halley [REDACTED]
Comment ID	PSLP_1831
Response Date	03/06/21 15:12
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill (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	Vivien Halley
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Supporting Information File Ref No: SI_48

Comment

Consultee	Mr James Hammond [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bearsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Hammond [REDACTED]
Comment ID	PSLP_846
Response Date	01/06/21 12:08
Consultation Point	Policy PSTR/SP 1 The Strategy for Speldhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_846_J_Hammond_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	James Hammond
Question 3	
To which part of the Local Plan does this representation 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/SP 1 The Strategy for Speldhurst parish

[TWBC: this representation has been input against Policies PSTR/SP 1 and AL/SP 1 – see Comment Numbers PSLP_846 & PSLP_865]

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.

Submission to Regulation 19 Local Plan consultation

The landowners welcome the inclusion of site 231 as a residential allocation assigned policy reference Policy AL/SP 1 within the Regulation 19 Local Plan. The plan has been prepared in accordance with all legal and procedural requirements, and the plan meets the prescribed tests of soundness.

Associated commentary on general matters is presented under suitably-titled headings below.

1. Delivery of a small-scale site in a sustainable location

The final version of the revised NPPF (2019) requires Local Planning Authorities to accommodate at least 10% of their housing requirement on 'small and medium sized sites' (up to one hectare) through their development plans and brownfield land registers.

Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, and a church and a further chapel. In terms of access to public transport, Speldhurst benefits from a service linking the village with Royal Tunbridge Wells on weekdays and Saturdays. There is also a school bus service that runs to the Weald of Kent Grammar School in Tonbridge. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites.

The Housing Supply and Trajectory Topics Paper profiles the delivery of units on site 231 across 2023/24 and 2024/25. In November 2020 the landowners entered into an Option Agreement with a prestigious local developer, Calverley Estates Ltd, and so a high degree of confidence can be placed in the delivery of residential dwellings on site 231. Indeed, based on conversations between the two parties involved, it is expected that the first occupation in the 2023 calendar year would represent a realistic expectation.

It is important that the local planning authority is provided up-to-date and accurate profiling of anticipated site build out rates in order to maintain certainty over the forward housing supply position in the context of the 5-year housing land supply, and in this regard Site 231 shall make a meaningful contribution towards the reported annual position across the period that occupations occur.

2. Change of speed limit to Langton Road on the approach from the west

The landowners are cognisant that some local residents have raised concerns through a number of channels (for example representations made into the emerging Local Plan and via meetings of the Speldhurst Parish Council Highways Committee) regarding the speed at which vehicles users are moving through the Langton Road 20mph zone.

As part of the supporting evidence to the promotion of the site in conjunction with the emerging Local Plan, the landowners have previously commissioned two traffic surveys to record speeds at the proposed point of access for a period of a week during what is a traffic neutral period accepted by the local highway authority. The traffic survey data captured details of vehicle type, speed and volume. The speed data was used to calculate the visibility splay requirements, and a satisfactory access can be achieved without any intervention to the local speed limit regime. Visibility splay calculations over-provide for vehicle stopping distances, as the standardised values applied by local highway authorities do not account for the demonstrable improvements in vehicle braking technology over the past few decades. It is expected that Manual for Streets is soon to be updated to bring, amongst other things, visibility splay information 'in sync' with the latest vehicle technology.

Although a suitable and safe highway access to serve the site can be formed with no changes to the existing speed limit regime, the implementation of the site for residential use could reasonably require the implementation of necessary traffic calming measures to Langton Road in accordance with the relevant criteria of policy AL/SP1, as repeated below.

[TWBC: Respondent has quoted wording of policy AL/SP1]

3. Open space, amenity and play space

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

[TWBC: Respondent has quoted data from policy OSSR 2]

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring on-site provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

4. Biodiversity net gain

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

[TWBC: Respondent has quoted wording from paragraph 6.134]

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

[TWBC: Respondent has quoted wording of policy EN9]

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

[TWBC: Respondent has quoted wording from paragraph 6.139]

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 of 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In accordance with the response to point 7, I would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1, or otherwise PolicyPSTR/SP 1. I would be satisfied to submit written representations to the examination.

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_48

Comment

Consultee	Mr James Hammond [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Bearsted [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr James Hammond [REDACTED]
Comment ID	PSLP_865
Response Date	01/06/21 12:08
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies (View)
Status	Processed
Submission Type	Email
Version	0.2
Files	PSLP_846_J_Hammond_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	James Hammond
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies

[TWBC: this representation has been input against Policies PSTR/SP 1 and AL/SP 1 – see Comment Numbers PSLP_846 & PSLP_865]

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.

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Associated commentary on general matters is presented under suitably-titled headings below.

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Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, and a church and a further chapel. In terms of access to public transport, Speldhurst benefits from a service linking the village with Royal Tunbridge Wells on weekdays and Saturdays. There is also a school bus service that runs to the Weald of Kent Grammar School in Tonbridge. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites.

The Housing Supply and Trajectory Topics Paper profiles the delivery of units on site 231 across 2023/24 and 2024/25. In November 2020 the landowners entered into an Option Agreement with a prestigious local developer, Calverley Estates Ltd, and so a high degree of confidence can be placed in the delivery of residential dwellings on site 231. Indeed, based on conversations between the two parties involved, it is expected that the first occupation in the 2023 calendar year would represent a realistic expectation.

It is important that the local planning authority is provided up-to-date and accurate profiling of anticipated site build out rates in order to maintain certainty over the forward housing supply position in the context of the 5-year housing land supply, and in this regard Site 231 shall make a meaningful contribution towards the reported annual position across the period that occupations occur.

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[TWBC: Respondent has quoted wording of policy AL/SP1]

3. Open space, amenity and play space

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

[TWBC: Respondent has quoted data from policy OSSR 2]

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring on-site provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

4. Biodiversity net gain

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

[TWBC: Respondent has quoted wording from paragraph 6.134]

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

[TWBC: Respondent has quoted wording of policy EN9]

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

[TWBC: Respondent has quoted wording from paragraph 6.139]

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 of 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In accordance with the response to point 7, I would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1, or otherwise PolicyPSTR/SP 1. I would be satisfied to submit written representations to the examination.

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_87

Comment

Agent	Susanna Sanlon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	[REDACTED] [REDACTED] Bury St Edmunds [REDACTED]
Consultee	[REDACTED]
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel [REDACTED]
Comment ID	PSLP_1665
Response Date	03/06/21 13:16
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1665,1669,1672-1675 Evolution Town Planning (Hams Travel) SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: Report attached as Supplementary Information]

Question 4

Do you consider that the Local Plan:

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.

Having reviewed the broad strategy contained in this policy, we note that the Council continues to be heavily reliant on delivery of housing around Paddock Wood, which includes an entire new settlement at Tudeley Village on the Hadlow Estate, between Tonbridge and Paddock Wood. Tunbridge Wells, the largest settlement in the district, is only allocated 1,416 to 1,536 new homes.

Meanwhile allocations in smaller sustainable settlements are restricted even more significantly. Benenden has received allocations for 87-95 (plus 23 which already have planning permission), which is decrease from the previously drafted allocated allowance of 119-129 new homes, due to the decision to drop one site from the allocations because it has already been delivered.

The Pre-submission Draft Local Plan policy STR1 identifies development allocations as follows:

- . **Paddock Wood and surrounding area** (around 4,000 new homes at Paddock Wood and an entire new settlement at Tudeley Village on the Hadlow Estate of 2,800 of which 2,100 are to come forward during the plan period).
- . **Tunbridge Wells**, the largest settlement in the district, is only allocated 1,416 to 1,536 new homes
- . **Other settlements** have been allocated sites at various levels in accordance with their sustainability credentials and opportunities. For example, Cranbrook and Sissinghurst have

received allocations for 415-429 new dwellings, whereas Bidborough has not received any allocations. Benenden has received allocations for 87-95 new homes (a reduction on the previous draft plan).

We are not persuaded that this strategy is likely to ensure delivery at the levels the NPPF requires. NPPF states at paragraph 59 that the government's objective is to 'significantly boost the supply of homes' and elsewhere the NPPF makes clear that it is not just the allocation of sites, but their delivery which is crucial. In this regard we have concerns that such a large proportion of the Borough's housing allocations have been concentrated in such a small part of the Borough and on large sites. Since large sites are known to be vulnerable and volatile to non-delivery in economic down turns, this approach seems to be flawed and likely to place the strategy at risk.

The NPPF (paragraph 68) states that '*small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.*' In supporting small and medium sites to come forward, the NPPF requires LPAs to ensure that (a) at least 10% of their housing requirement is on sites no larger than one hectare; and (c) '*support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using sustainable sites within existing settlements for homes*'.

By relying on a few large sites for such a large proportion of the housing supply in the Paddock Wood market (over 50% of the Borough's 7,221 housing allocations required), we remain concerned that this strategy is likely to prove highly vulnerable to obstacles to delivery, should the market experience a downturn or volatility. This is not consistent with the aims of NPPF.

Whilst we do not object to the allocation of these larger sites, to guard against non-delivery the Council should consider allocating far more small and medium sized sites and scheduling to expect a slower rate of delivery on these large sites, in accordance with national planning policy. This will effectively allow for some dips in the market and downturns, in such a way that delivery of the overall housing target is not compromised. We also consider that the policy fails by not providing sufficient support to windfall development, as is required by paragraph 68 (c) of the NPPF, and is therefore in **conflict with the NPPF** on this point.

We consider that the Local Plan is comprised and at risk of being found to be unsound, without an increase in small and medium sized sites being allocated and less reliance on the large sites around Paddock Wood and without more support being provided for windfall development.

See attached report for a full explanation of these reasons.

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.

Suggested Amendments

We object to point 2 of policy STR 1, which states that the Local Plan '*Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan.*' We consider that this clause could be improved to offer greater flexibility for the consideration of windfall development on brownfield sites in locations outside of the Built Development of settlements, if it were expanded to state:

*'Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan. **Where there is a***

housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.

In terms of the wording of the policy, we also object to point 9 of policy STR 1, which states that the Local Plan ‘normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary.’

We believe that, in the light of the Council’s heavy reliance on large sites in the Paddock Wood area for the vast majority of housing delivery, the overall soundness of the policy will be improved if the clause were expanded to state the following:

*‘normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.***

We consider that, given the undersupply in the Borough, the LPA should consider including circumstances in which windfall housing development would be supported outside of the existing development limits. Given the encouragement of brownfield development within the NPPF, we consider that the LPA should include a clause which supports such development, in circumstances where housing delivery falls below the required supply, as suggested above.

This would open up development options on brownfield sites in accordance with NPPF’s preference for brownfield delivery and would assist against concerns regarding the non-delivery of large allocated sites in an economic downturn.

Regarding paragraph 8 of policy STR1, we note that the Local Plan will aim to ‘*limit development within the High Weald Area of Outstanding Natural Beauty to that which can be accommodated whilst still conserving its key characteristics, this being mostly small-scale, only promoting larger proposals where exceptional circumstances are demonstrated*’. We support this change from the previous draft of this policy. Given the scale of the housing crisis and the need to ensure delivery of housing across the Borough, we welcome that this clause has been amended to be more flexible and to be explicitly supportive of developments which are not ‘major’ developments. We consider that the paragraph could be further improved by stating that brownfield developments will be especially supported.

We suggest a revision as follows:

*‘limit development within the High Weald Area of Outstanding Natural Beauty to that which can be accommodated whilst still conserving its key characteristics, this being mostly small-scale (**less than 20 homes**), only promoting larger proposals where exceptional circumstances are demonstrated **and/or where development is on brownfield land**’.*

We consider that these suggested revisions will bring the plan more into line with the NPPF which requires Local Plans to support brownfield development, ensure the delivery of housing (not simply allocated sufficient sites) and be ‘positively prepared’, ‘justified’, ‘effective’ and ‘consistent with national policy’ (paragraph 33). Such amendments will place the plan in a better position for its Examination.

Summary

We would also support policy STR1, if it were amended to include less reliance on the new settlement and Paddock Wood sites and a greater proportion of smaller sites across the Borough. However, in addition we have also recommended the following amendments, to ensure that the plan is positively prepared and effective, even if the Council continues to rely on such large sites to deliver its housing strategy:

*‘(2) Looks to focus new development within the Limits to Built Development of settlements, as defined on the Policies Map, where proposals accord with other relevant policies of this Plan. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development’.***

*‘(8) limit development within the High Weald Area of Outstanding Natural Beauty to that which can be accommodated whilst still conserving its key characteristics, this being mostly small-scale (**less than 20 homes**), only promoting larger proposals where exceptional circumstances are demonstrated **and/or where development is on brownfield land**’.*

*'(9) Normally limits development in the countryside (being defined as that outside the Limits to Built Development) to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary. **Where there is a housing need, or housing delivery is falling below the required housing supply, windfall development will be supported on brownfield sites outside of the Limits to Built Development**'.*

These amendments would help guard against non-delivery of the larger sites that the plan relies on, should there be a downturn in the housing market. These suggestions will improve the deliverability of the Council's housing targets. We also consider that these amendments will bring the policy more into line with the NPPF (particularly paragraph 68 (c)) and without this change the policy risks being in **conflict with the NPPF**.

Overall, we consider that the Local Plan is comprised and at risk of being found to be **unsound**, without an increase in small and medium sized sites being allocated and less reliance on the large sites around Paddock Wood and without more support being provided for windfall 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:

Hams Travel has an excellent site to be considered locally and since there is a legally challenge in place on their site in Flimwell, any updates on that site may add to the strength of the case for the allocation of the Benenden site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_87

Comment

Agent	Susanna Sanlon [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	[REDACTED] [REDACTED] Bury St Edmunds IP31 3SH
Consultee	[REDACTED]
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel [REDACTED]
Comment ID	PSLP_1669
Response Date	03/06/21 13:16
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1665,1669,1672-1675_Evolution Town Planning (Hams Travel)_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 2, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_1669, PSLP_1672, PSLP_1673, PSLP_1674 and PSLP_1675. Report attached as Supplementary Information]

Question 4

Do you consider that the Local Plan:

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.

We object to policy **PSTR/BE 1** and suggest revisions and the decisions made regarding housing allocations. Benenden has received allocations for 87-95 (plus 23 which already have planning permission), which is decrease from the previously drafted allocated allowance of 119-129 new homes, due to the decision to drop one site (Land at Walkhurst Road) from the allocations. Land at Walkhurst Road was dropped from the allocations because it has already been delivered. Dropping this site from the allocations has led to a reduction in the Parish of Benenden and we consider that the allocation should have been replaced with an entirely new allocation, in order to maintain a good supply of housing in the Parish. Moreover, we object to the remaining allocations in the Parish.

We note that the remote site of Benenden Hospital at East End, a significant distance from Benenden, has received allocations for up to 22-25 new homes on the southern site and 22-25 homes on the northern site, which is in addition to the 23 dwellings which already have planning permission. This is around 75 new homes in total, and the site is poorly connected with the village. We object to this since nearer sites have been discounted on the basis of them being 'too remote', but the Benenden Hospital more remote site, yet it has been allocated.

Objections to policy PSTR/BE 1 and AL/BE 1, AL/BE 2, AL/BE 2 and AL/BE 4

Having reviewed the strategy for site allocation in Benenden Parish our main objection is a continued reliance on greenfield sites, when brownfield sites are available. We also object to the heavy reliance on one large site, which is extremely remote from the main village of Benenden (albeit we note that this has been split into two sites following previous representations).

The NPPF is clear that LPAs have a responsibility to make an effective use of land, prioritising brownfield land to make 'as much use as possible' of brownfield opportunities: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'* (paragraph 117).

The NPPF continues that LPAs should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'* (paragraph 118).

We have assessed each of the allocations in and around Benenden and set out our comments and objections below:

- **AL/BE 1 Land adjacent to New Pond Road – Objection.** This site is allocated for 18-20 dwellings, of which 40% should be affordable. This is a greenfield site including arboricultural, SSSI ecological interests and possible archaeological constraints. We consider it to be a less suitable site for development than Hams Travel's Coach Yard. Indeed, we question whether the rear part of the site with the most valuable trees and potential for archaeological interest is suitable for development at all. This should not be allocated in advance of brownfield opportunities, such as the Hams Travel site.

- **AL/BE 2 Feoffee Cottage and land, Walkhurst Road – Objection.** This site is allocated for 25 dwellings, of which 48% should be affordable. This is a greenfield site and lies adjacent to ancient woodland and a Listed Building. It therefore has a number of constraints and should not be allocated in advance of brownfield sites, lacking any such constraints. We therefore do not consider that this site should be allocated in advance of the Hams Travel's Coach Yard, which contains fewer constraints and is a brownfield opportunity.

- **AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units (in addition to the 23 new dwellings that have already been granted approval at this site), of which 30 percent shall be affordable housing. Combined with AL/BE4 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. We do not consider that the proposal for a *'an active travel link between the site and Benenden village'* will prove to be sustainable for a development of this scale and it is unlikely that an allocation of this size (even with the hospital population) would be sufficient to support the proposed retail outlet proposed.

- **AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units, of which 30 percent shall be affordable housing. Combined with AL/BE3 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. Moreover, since other brownfield sites are available in closer proximity to the settlement – such as the Hams Travel site, we do not consider it to be the most sustainable brownfield option available. It therefore should not be allocated in advance of brownfield sites, nearer to the settlement such as Hams Coach Yard.

Since the previous regulation 18 consultation, the original 'Policy AL/BE 1 – Land at Walkhurst Road' has been dropped as an allocation. This is because the site has already been developed. Whilst we support the Council in dropping this allocation (since it has been developed), we consider that the LPA have missed an opportunity to allocate a new site for the parish which could have reduced the risk of non-delivery and would have assisted in meeting local need. Rather than allocating a new site for development, the Local Plan has split the previous Benenden hospital site into two allocations. This is deceptive, as in reality, the Parish now has one less site for development. As a result, the Local Plan now effectively relies on just three sites (as site AL/BE3 and AL/BE4 were the same allocation in the previous Local Plan), exposing the village to a greater chance of non-delivery, and risking the housing need not being met. We consider that it would have been preferable to allocate an additional site, so as to reduce the reliance of a few large sites in the Parish for development.

We consider that a preferable approach would have been to allocate the Hams Coach Yard, since this is largely brownfield, is surplus to requirements and is **much nearer** to Benenden village than the only other brownfield allocation at Benenden Hospital. This site was put forward during the regulation 18 consultation and has been assessed by the LPA. We consider this assessment in the following chapter, and maintain that the site should have been allocated as the assessment is inconsistent with the approach taken on Benenden Hospital Site.

Development of the Hams Travel Site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which gives 'substantial weight' to the allocation of brownfield sites and which uses as much brownfield land as possible. We provide full details of this site's opportunities for development at section 4.

The Hams Travel Coach Yard could have provided this 5th housing allocation in the Benenden area, as set out in the following chapter, and offered a genuine replacement for the dropped 'Policy AL/BE 1 – Land at Walkhurst Road' site.

Whilst our preference would have been for the Council to include the Hams Travel Coach Yard within the allocations, we consider that our objection could be overcome, if the policy were amended to allow for brownfield development beyond the built development boundaries of Benenden. Unfortunately, amendments to the policy since the regulation 18 consultation have reduced the policy's flexibility, rather than increased the usefulness and flexibility of the policy. This risks the policy being found to be **unsound**.

See attached report for a full explanation of these reasons.

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.

Amendments to general policy provided by policy PSTR/BE 1 (previously STR/BE1)

If 'the Strategy for Benenden parish' (policy PSTR/BE 1) and allocations are not amended to include the Hams Travel site, we set out additional amendments, which we consider will assist in ensuring that the plan is both flexible, deliverable and will protect against non-delivery. These amendments will improve the soundness of the policy and bring the policy into line with the NPPF.

Given the over reliance on housing delivery in and around Paddock Wood, we consider that these amendments will assist in protecting the plan against non-delivery in a housing market slow down (a major risk with a strategy dependent on large sites and a single housing market), by enabling the development of a wider range of brownfield sites around Benenden.

We note that clause 2 of regulation 18 draft policy has been removed. This had stated:

'Additional housing may be delivered through the redevelopment of appropriate sites and other windfall development in accordance with Policy STR 1'.

We had previously recommended that this clause be extended to state:

*'Additional housing may be delivered through the redevelopment of appropriate sites and other suitable windfall developments **including brownfield sites outside of the Limits to Built Development**.'*

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing. Without such a clause, the policy is less flexible, weaker and ultimately **unsound**, since it does not comply with national planning policy which requires support for windfall

delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clause 2, with our previous suggested amendment, were reinstated, as set out above.

Likewise, we note that clause 3 of regulation 18 draft policy has been removed. This clause had stated:

'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape'

We had recommended that this clause should have been retained and amended to read:

*'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape. **The redevelopment of redundant brownfield sites will be considered positively. Particularly where proposals will make a positive contribution towards the objectives of managing the AONB and where they can be demonstrated to have visual improvements.***

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing and development within the AONB. Without such a clause, the policy is less flexible, weaker and ultimately unsound, since it does not comply with national planning policy which requires support for windfall delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clauses 2 and 3, with our suggested amendments, are reinstated. In addition, we note that clause 2 of the new policy (Policy STR/BE 1), as currently worded cross references to Policy STR 1. We have already provided comments with regard to STR 1 in section 2, and we would only support this cross referring to that policy if the policy is amended to support the development of brownfield sites outside of the Limits to Built Development, as already set out.

Summary

In response to policy PSTR/BE 1 (and policies AL/BE 1- AL/BE 4), we have submitted that we do not support the allocation of any of the sites proposed, since these are greenfield sites (some remote) and with significant constraints. We do not consider that these should have been allocated in advance of brownfield sites, such as the Hams Travel site, which offers opportunity for improvement to the AONB. As such, these allocations are inconsistent with the NPPF, which favours brownfield allocations (Paragraph 118 (c)). We particularly object to the loss of the allocation 'Land at Walkhurst Road' and the failure of the LPA to adequately replace this site with a new allocation, because this has led to an overall reduction in housing numbers allocated in Benenden.

Hams Coach Yard is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of the Hams Travel site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which uses as much brownfield land as possible (Paragraph 118 (c)) and this approach has not been adopted in Benenden. As such, we strongly consider that the Hams Travel site should have been allocated in preference to greenfield sites and the more remote site of Benenden Hospital.

We also object to the removal of clauses 2 and 3 of policy STR/BE1 which should have been retained and improved by making clear that the development of redundant brownfield sites will be considered positively should a need arise.

We note that clause 2 of the new policy (Policy STR/BE 1) cross refers to Policy STR 1 and we only support this cross reference if policy STR 1 is also amended.

Without these amendments, we consider that the policy risks being found **unsound and inconsistent with national planning policy**.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Hams Travel has an excellent site to be considered locally and since there is a legally challenge in place on their site in Flimwell, any updates on that site may add to the strength of the case for the allocation of the Benenden site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_87

Comment

Agent	Susanna Sanlon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	Opus House Elm Farm Park Bury St Edmunds IP31 3SH
Consultee	([REDACTED])
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel ([REDACTED])
Comment ID	PSLP_1672
Response Date	03/06/21 13:16
Consultation Point	Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1665,1669,1672-1675_Evolution Town Planning (Hams Travel)_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

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Policy AL/BE 1 Land adjacent to New Pond Road (known as Uphill), Benenden

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 2, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_1669, PSLP_1672, PSLP_1673, PSLP_1674 and PSLP_1675. Report attached as Supplementary Information]

Question 4

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Complies with the Duty to Cooperate

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Question 4a

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Question 7a

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Supporting Information File Ref No: SI_87

Comment

Agent	Susanna Sanlon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	Opus House Elm Farm Park Bury St Edmunds IP31 3SH
Consultee	([REDACTED])
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel ([REDACTED])
Comment ID	PSLP_1673
Response Date	03/06/21 13:16
Consultation Point	Policy AL/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_1665,1669,1672-1675_Evolution Town Planning (Hams Travel)_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town 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/BE 2 Feoffee Cottages and land, Walkhurst Road, Benenden

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 1, AL/BE 2, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_1669, PSLP_1672, PSLP_1673, PSLP_1674 and PSLP_1675. Report attached as Supplementary Information]

Question 4

Do you consider that the Local Plan:

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.

We object to policy **PSTR/BE 1** and suggest revisions and the decisions made regarding housing allocations. Benenden has received allocations for 87-95 (plus 23 which already have planning permission), which is decrease from the previously drafted allocated allowance of 119-129 new homes, due to the decision to drop one site (Land at Walkhurst Road) from the allocations. Land at Walkhurst Road was dropped from the allocations because it has already been delivered. Dropping this site from the allocations has led to a reduction in the Parish of Benenden and we consider that the allocation should have been replaced with an entirely new allocation, in order to maintain a good supply of housing in the Parish. Moreover, we object to the remaining allocations in the Parish.

We note that the remote site of Benenden Hospital at East End, a significant distance from Benenden, has received allocations for up to 22-25 new homes on the southern site and 22-25 homes on the northern site, which is in addition to the 23 dwellings which already have planning permission. This is around 75 new homes in total, and the site is poorly connected with the village. We object to this since nearer sites have been discounted on the basis of them being 'too remote', but the Benenden Hospital more remote site, yet it has been allocated.

Objections to policy PSTR/BE 1 and AL/BE 1, AL/BE 2, AL/BE 2 and AL/BE 4

Having reviewed the strategy for site allocation in Benenden Parish our main objection is a continued reliance on greenfield sites, when brownfield sites are available. We also object to the heavy reliance on one large site, which is extremely remote from the main village of Benenden (albeit we note that this has been split into two sites following previous representations).

The NPPF is clear that LPAs have a responsibility to make an effective use of land, prioritising brownfield land to make 'as much use as possible' of brownfield opportunities: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'* (paragraph 117).

The NPPF continues that LPAs should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'* (paragraph 118).

We have assessed each of the allocations in and around Benenden and set out our comments and objections below:

• **AL/BE 1 Land adjacent to New Pond Road – Objection.** This site is allocated for 18-20 dwellings, of which 40% should be affordable. This is a greenfield site including arboricultural, SSSI ecological interests and possible archaeological constraints. We consider it to be a less suitable site for development than Hams Travel's Coach Yard. Indeed, we question whether the rear part of the site with the most valuable trees and potential for archaeological interest is suitable for development at all. This should not be allocated in advance of brownfield opportunities, such as the Hams Travel site.

• **AL/BE 2 Feoffee Cottage and land, Walkhurst Road – Objection.** This site is allocated for 25 dwellings, of which 48% should be affordable. This is a greenfield site and lies adjacent to ancient woodland and a Listed Building. It therefore has a number of constraints and should not be allocated in advance of brownfield sites, lacking any such constraints. We therefore do not consider that this site should be allocated in advance of the Hams Travel's Coach Yard, which contains fewer constraints and is a brownfield opportunity.

• **AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units (in addition to the 23 new dwellings that have already been granted approval at this site), of which 30 percent shall be affordable housing. Combined with AL/BE4 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. We do not consider that the proposal for a *'an active travel link between the site and Benenden village'* will prove to be sustainable for a development of this scale and it is unlikely that an allocation of this size (even with the hospital population) would be sufficient to support the proposed retail outlet proposed.

• **AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units, of which 30 percent shall be affordable housing. Combined with AL/BE3 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. Moreover, since other brownfield sites are available in closer proximity to the settlement – such as the Hams Travel site, we do not consider it to be the most sustainable brownfield option available. It therefore should not be allocated in advance of brownfield sites, nearer to the settlement such as Hams Coach Yard.

Since the previous regulation 18 consultation, the original 'Policy AL/BE 1 – Land at Walkhurst Road' has been dropped as an allocation. This is because the site has already been developed. Whilst we support the Council in dropping this allocation (since it has been developed), we consider that the LPA have missed an opportunity to allocate a new site for the parish which could have reduced the risk of non-delivery and would have assisted in meeting local need. Rather than allocating a new site for development, the Local Plan has split the previous Benenden hospital site into two allocations. This is deceptive, as in reality, the Parish now has one less site for development. As a result, the Local Plan now effectively relies on just three sites (as site AL/BE3 and AL/BE4 were the same allocation in the previous Local Plan), exposing the village to a greater chance of non-delivery, and risking the housing need not being met. We consider that it would have been preferable to allocate an additional site, so as to reduce the reliance of a few large sites in the Parish for development.

We consider that a preferable approach would have been to allocate the Hams Coach Yard, since this is largely brownfield, is surplus to requirements and is **much nearer** to Benenden village than the only other brownfield allocation at Benenden Hospital. This site was put forward during the regulation 18 consultation and has been assessed by the LPA. We consider this assessment in the following chapter, and maintain that the site should have been allocated as the assessment is inconsistent with the approach taken on Benenden Hospital Site.

Development of the Hams Travel Site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which gives 'substantial weight' to the allocation of brownfield sites and which uses as much brownfield land as possible. We provide full details of this site's opportunities for development at section 4.

The Hams Travel Coach Yard could have provided this 5th housing allocation in the Benenden area, as set out in the following chapter, and offered a genuine replacement for the dropped 'Policy AL/BE 1 – Land at Walkhurst Road' site.

Whilst our preference would have been for the Council to include the Hams Travel Coach Yard within the allocations, we consider that our objection could be overcome, if the policy were amended to allow for brownfield development beyond the built development boundaries of Benenden. Unfortunately, amendments to the policy since the regulation 18 consultation have reduced the policy's flexibility, rather than increased the usefulness and flexibility of the policy. This risks the policy being found to be **unsound**.

See attached report for a full explanation of these reasons.

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.

Amendments to general policy provided by policy PSTR/BE 1 (previously STR/BE1)

If 'the Strategy for Benenden parish' (policy PSTR/BE 1) and allocations are not amended to include the Hams Travel site, we set out additional amendments, which we consider will assist in ensuring that the plan is both flexible, deliverable and will protect against non-delivery. These amendments will improve the soundness of the policy and bring the policy into line with the NPPF.

Given the over reliance on housing delivery in and around Paddock Wood, we consider that these amendments will assist in protecting the plan against non-delivery in a housing market slow down (a major risk with a strategy dependent on large sites and a single housing market), by enabling the development of a wider range of brownfield sites around Benenden.

We note that clause 2 of regulation 18 draft policy has been removed. This had stated:

'Additional housing may be delivered through the redevelopment of appropriate sites and other windfall development in accordance with Policy STR 1'.

We had previously recommended that this clause be extended to state:

*'Additional housing may be delivered through the redevelopment of appropriate sites and other suitable windfall developments **including brownfield sites outside of the Limits to Built Development**.'*

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing. Without such a clause, the policy is less flexible, weaker and ultimately **unsound**, since it does not comply with national planning policy which requires support for windfall

delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clause 2, with our previous suggested amendment, were reinstated, as set out above.

Likewise, we note that clause 3 of regulation 18 draft policy has been removed. This clause had stated:

'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape'

We had recommended that this clause should have been retained and amended to read:

*'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape. **The redevelopment of redundant brownfield sites will be considered positively. Particularly where proposals will make a positive contribution towards the objectives of managing the AONB and where they can be demonstrated to have visual improvements.***

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing and development within the AONB. Without such a clause, the policy is less flexible, weaker and ultimately unsound, since it does not comply with national planning policy which requires support for windfall delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clauses 2 and 3, with our suggested amendments, are reinstated. In addition, we note that clause 2 of the new policy (Policy STR/BE 1), as currently worded cross references to Policy STR 1. We have already provided comments with regard to STR 1 in section 2, and we would only support this cross referring to that policy if the policy is amended to support the development of brownfield sites outside of the Limits to Built Development, as already set out.

Summary

In response to policy PSTR/BE 1 (and policies AL/BE 1- AL/BE 4), we have submitted that we do not support the allocation of any of the sites proposed, since these are greenfield sites (some remote) and with significant constraints. We do not consider that these should have been allocated in advance of brownfield sites, such as the Hams Travel site, which offers opportunity for improvement to the AONB. As such, these allocations are inconsistent with the NPPF, which favours brownfield allocations (Paragraph 118 (c)). We particularly object to the loss of the allocation 'Land at Walkhurst Road' and the failure of the LPA to adequately replace this site with a new allocation, because this has led to an overall reduction in housing numbers allocated in Benenden.

Hams Coach Yard is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of the Hams Travel site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which uses as much brownfield land as possible (Paragraph 118 (c)) and this approach has not been adopted in Benenden. As such, we strongly consider that the Hams Travel site should have been allocated in preference to greenfield sites and the more remote site of Benenden Hospital.

We also object to the removal of clauses 2 and 3 of policy STR/BE1 which should have been retained and improved by making clear that the development of redundant brownfield sites will be considered positively should a need arise.

We note that clause 2 of the new policy (Policy STR/BE 1) cross refers to Policy STR 1 and we only support this cross reference if policy STR 1 is also amended.

Without these amendments, we consider that the policy risks being found **unsound and inconsistent with national planning policy**.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Hams Travel has an excellent site to be considered locally and since there is a legally challenge in place on their site in Flimwell, any updates on that site may add to the strength of the case for the allocation of the Benenden site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_87

Comment

Agent	Susanna Sanlon ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	Evolution Town Planning
Address	Opus House Elm Farm Park Bury St Edmunds IP31 3SH
Consultee	([REDACTED])
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel ([REDACTED])
Comment ID	PSLP_1674
Response Date	03/06/21 13:16
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
Files	<u>PSLP_1665,1669,1672-1675 Evolution Town Planning (Hams Travel) SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town 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/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 1, AL/BE 2, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_1669, PSLP_1672, PSLP_1673, PSLP_1674 and PSLP_1675. Report attached as Supplementary Information]

Question 4

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Is sound No

Complies with the Duty to Cooperate No

Question 4a

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Summary

In response to policy PSTR/BE 1 (and policies AL/BE 1- AL/BE 4), we have submitted that we do not support the allocation of any of the sites proposed, since these are greenfield sites (some remote) and with significant constraints. We do not consider that these should have been allocated in advance of brownfield sites, such as the Hams Travel site, which offers opportunity for improvement to the AONB. As such, these allocations are inconsistent with the NPPF, which favours brownfield allocations (Paragraph 118 (c)). We particularly object to the loss of the allocation 'Land at Walkhurst Road' and the failure of the LPA to adequately replace this site with a new allocation, because this has led to an overall reduction in housing numbers allocated in Benenden.

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Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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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_87

Comment

Agent	Susanna Sanlon ()
Email Address	
Company / Organisation	Evolution Town Planning
Address	Opus House Elm Farm Park Bury St Edmunds IP31 3SH
Consultee	()
Company / Organisation	Hams Travel
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hams Travel ()
Comment ID	PSLP_1675
Response Date	03/06/21 13:16
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
Files	<u>PSLP_1665,1669,1672-1675 Evolution Town Planning (Hams Travel) SI.pdf</u>
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hams Travel
Question 2	
Agent's Name and Organisation (if applicable)	Evolution Town 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/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 1, AL/BE 2, AL/BE 3 and AL/BE 4 – see Comment Numbers PSLP_1669, PSLP_1672, PSLP_1673, PSLP_1674 and PSLP_1675. Report attached as Supplementary Information]

Question 4

Do you consider that the Local Plan:

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.

We object to policy **PSTR/BE 1** and suggest revisions and the decisions made regarding housing allocations. Benenden has received allocations for 87-95 (plus 23 which already have planning permission), which is decrease from the previously drafted allocated allowance of 119-129 new homes, due to the decision to drop one site (Land at Walkhurst Road) from the allocations. Land at Walkhurst Road was dropped from the allocations because it has already been delivered. Dropping this site from the allocations has led to a reduction in the Parish of Benenden and we consider that the allocation should have been replaced with an entirely new allocation, in order to maintain a good supply of housing in the Parish. Moreover, we object to the remaining allocations in the Parish.

We note that the remote site of Benenden Hospital at East End, a significant distance from Benenden, has received allocations for up to 22-25 new homes on the southern site and 22-25 homes on the northern site, which is in addition to the 23 dwellings which already have planning permission. This is around 75 new homes in total, and the site is poorly connected with the village. We object to this since nearer sites have been discounted on the basis of them being 'too remote', but the Benenden Hospital more remote site, yet it has been allocated.

Objections to policy PSTR/BE 1 and AL/BE 1, AL/BE 2, AL/BE 2 and AL/BE 4

Having reviewed the strategy for site allocation in Benenden Parish our main objection is a continued reliance on greenfield sites, when brownfield sites are available. We also object to the heavy reliance on one large site, which is extremely remote from the main village of Benenden (albeit we note that this has been split into two sites following previous representations).

The NPPF is clear that LPAs have a responsibility to make an effective use of land, prioritising brownfield land to make 'as much use as possible' of brownfield opportunities: *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'* (paragraph 117).

The NPPF continues that LPAs should *'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'* (paragraph 118).

We have assessed each of the allocations in and around Benenden and set out our comments and objections below:

• **AL/BE 1 Land adjacent to New Pond Road – Objection.** This site is allocated for 18-20 dwellings, of which 40% should be affordable. This is a greenfield site including arboricultural, SSSI ecological interests and possible archaeological constraints. We consider it to be a less suitable site for development than Hams Travel's Coach Yard. Indeed, we question whether the rear part of the site with the most valuable trees and potential for archaeological interest is suitable for development at all. This should not be allocated in advance of brownfield opportunities, such as the Hams Travel site.

• **AL/BE 2 Feoffee Cottage and land, Walkhurst Road – Objection.** This site is allocated for 25 dwellings, of which 48% should be affordable. This is a greenfield site and lies adjacent to ancient woodland and a Listed Building. It therefore has a number of constraints and should not be allocated in advance of brownfield sites, lacking any such constraints. We therefore do not consider that this site should be allocated in advance of the Hams Travel's Coach Yard, which contains fewer constraints and is a brownfield opportunity.

• **AL/BE3 Land at Benenden Hospital (south of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units (in addition to the 23 new dwellings that have already been granted approval at this site), of which 30 percent shall be affordable housing. Combined with AL/BE4 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. We do not consider that the proposal for a *'an active travel link between the site and Benenden village'* will prove to be sustainable for a development of this scale and it is unlikely that an allocation of this size (even with the hospital population) would be sufficient to support the proposed retail outlet proposed.

• **AL/BE4 Land at Benenden Hospital (north of Goddards Green Road), East End – Objection.** This site is allocated for residential development providing 22-25 residential units, of which 30 percent shall be affordable housing. Combined with AL/BE3 this allocation is the largest allocation listed as part of Benenden and yet the site is considerably remote from the settlement of Benenden and is not really part of Benenden at all. Moreover, since other brownfield sites are available in closer proximity to the settlement – such as the Hams Travel site, we do not consider it to be the most sustainable brownfield option available. It therefore should not be allocated in advance of brownfield sites, nearer to the settlement such as Hams Coach Yard.

Since the previous regulation 18 consultation, the original 'Policy AL/BE 1 – Land at Walkhurst Road' has been dropped as an allocation. This is because the site has already been developed. Whilst we support the Council in dropping this allocation (since it has been developed), we consider that the LPA have missed an opportunity to allocate a new site for the parish which could have reduced the risk of non-delivery and would have assisted in meeting local need. Rather than allocating a new site for development, the Local Plan has split the previous Benenden hospital site into two allocations. This is deceptive, as in reality, the Parish now has one less site for development. As a result, the Local Plan now effectively relies on just three sites (as site AL/BE3 and AL/BE4 were the same allocation in the previous Local Plan), exposing the village to a greater chance of non-delivery, and risking the housing need not being met. We consider that it would have been preferable to allocate an additional site, so as to reduce the reliance of a few large sites in the Parish for development.

We consider that a preferable approach would have been to allocate the Hams Coach Yard, since this is largely brownfield, is surplus to requirements and is **much nearer** to Benenden village than the only other brownfield allocation at Benenden Hospital. This site was put forward during the regulation 18 consultation and has been assessed by the LPA. We consider this assessment in the following chapter, and maintain that the site should have been allocated as the assessment is inconsistent with the approach taken on Benenden Hospital Site.

Development of the Hams Travel Site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which gives 'substantial weight' to the allocation of brownfield sites and which uses as much brownfield land as possible. We provide full details of this site's opportunities for development at section 4.

The Hams Travel Coach Yard could have provided this 5th housing allocation in the Benenden area, as set out in the following chapter, and offered a genuine replacement for the dropped 'Policy AL/BE 1 – Land at Walkhurst Road' site.

Whilst our preference would have been for the Council to include the Hams Travel Coach Yard within the allocations, we consider that our objection could be overcome, if the policy were amended to allow for brownfield development beyond the built development boundaries of Benenden. Unfortunately, amendments to the policy since the regulation 18 consultation have reduced the policy's flexibility, rather than increased the usefulness and flexibility of the policy. This risks the policy being found to be **unsound**.

See attached report for a full explanation of these reasons.

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.

Amendments to general policy provided by policy PSTR/BE 1 (previously STR/BE1)

If 'the Strategy for Benenden parish' (policy PSTR/BE 1) and allocations are not amended to include the Hams Travel site, we set out additional amendments, which we consider will assist in ensuring that the plan is both flexible, deliverable and will protect against non-delivery. These amendments will improve the soundness of the policy and bring the policy into line with the NPPF.

Given the over reliance on housing delivery in and around Paddock Wood, we consider that these amendments will assist in protecting the plan against non-delivery in a housing market slow down (a major risk with a strategy dependent on large sites and a single housing market), by enabling the development of a wider range of brownfield sites around Benenden.

We note that clause 2 of regulation 18 draft policy has been removed. This had stated:

'Additional housing may be delivered through the redevelopment of appropriate sites and other windfall development in accordance with Policy STR 1'.

We had previously recommended that this clause be extended to state:

*'Additional housing may be delivered through the redevelopment of appropriate sites and other suitable windfall developments **including brownfield sites outside of the Limits to Built Development**.'*

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing. Without such a clause, the policy is less flexible, weaker and ultimately **unsound**, since it does not comply with national planning policy which requires support for windfall

delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clause 2, with our previous suggested amendment, were reinstated, as set out above.

Likewise, we note that clause 3 of regulation 18 draft policy has been removed. This clause had stated:

'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape'

We had recommended that this clause should have been retained and amended to read:

*'Where a site is within the AONB, it should be demonstrated that the proposal will make a positive contribution towards achieving the objectives of the most recent AONB Management Plan and show how relevant guidance from the AONB Joint Advisory Committee has been considered to meet the high standards required of the other policies in this Plan for the High Weald AONB landscape. **The redevelopment of redundant brownfield sites will be considered positively. Particularly where proposals will make a positive contribution towards the objectives of managing the AONB and where they can be demonstrated to have visual improvements.***

We object to the removal of this clause, as the policy should provide a basis from which to assess proposals for additional housing and development within the AONB. Without such a clause, the policy is less flexible, weaker and ultimately unsound, since it does not comply with national planning policy which requires support for windfall delivery (paragraph 68 (c)). We consider that our objection to this policy could be overcome if clauses 2 and 3, with our suggested amendments, are reinstated. In addition, we note that clause 2 of the new policy (Policy STR/BE 1), as currently worded cross references to Policy STR 1. We have already provided comments with regard to STR 1 in section 2, and we would only support this cross referring to that policy if the policy is amended to support the development of brownfield sites outside of the Limits to Built Development, as already set out.

Summary

In response to policy PSTR/BE 1 (and policies AL/BE 1- AL/BE 4), we have submitted that we do not support the allocation of any of the sites proposed, since these are greenfield sites (some remote) and with significant constraints. We do not consider that these should have been allocated in advance of brownfield sites, such as the Hams Travel site, which offers opportunity for improvement to the AONB. As such, these allocations are inconsistent with the NPPF, which favours brownfield allocations (Paragraph 118 (c)). We particularly object to the loss of the allocation 'Land at Walkhurst Road' and the failure of the LPA to adequately replace this site with a new allocation, because this has led to an overall reduction in housing numbers allocated in Benenden.

Hams Coach Yard is largely brownfield, is surplus to requirements and is nearer to Benenden than the only other brownfield allocation at Benenden Hospital. Development of the Hams Travel site also offers opportunities for visual improvements of the AONB. NPPF supports an approach which uses as much brownfield land as possible (Paragraph 118 (c)) and this approach has not been adopted in Benenden. As such, we strongly consider that the Hams Travel site should have been allocated in preference to greenfield sites and the more remote site of Benenden Hospital.

We also object to the removal of clauses 2 and 3 of policy STR/BE1 which should have been retained and improved by making clear that the development of redundant brownfield sites will be considered positively should a need arise.

We note that clause 2 of the new policy (Policy STR/BE 1) cross refers to Policy STR 1 and we only support this cross reference if policy STR 1 is also amended.

Without these amendments, we consider that the policy risks being found **unsound and inconsistent with national planning policy**.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Hams Travel has an excellent site to be considered locally and since there is a legally challenge in place on their site in Flimwell, any updates on that site may add to the strength of the case for the allocation of the Benenden site.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Rose Harrild [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rose Harrild [REDACTED]
Comment ID	PSLP_313
Response Date	24/05/21 12:57
Consultation Point	Policy PSTR/BM 1 The Strategy for Brenchley and Matfield parish (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Rosemary Harrild
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.	
PSTR/BM1	
PSTR/HOI	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

Question 5

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Policy PSTR/ BM1 Brenchley and Matfield Overview

5.479 Not enough weight is given to the Parish being within the High Weald AONB. Although it states a little more than 75% is in the AONB it is not highlighted as being an extremely important consideration for any planning application or proposed development. It should be stressed much more strongly as a major constraint. It should be worded "more than 75% is within the AONB"

PSTR/HOI Strategy for Horsmonden

Land w. of Fernandez Drive and South of Brenchley

5.482 This is an undeveloped site in the countryside. It is grassed fields and there are no buildings on the site.

5.484 It is IMMEDIATELY adjacent to The High Weald AONB boundary and is also next to Sprivers - an historic park and garden which is open to the public (not closed as stated)

5.591 It is completely wrong to propose to develop this site with 80-100 houses and a new village hall.

Question 7

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Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To press the case that Brenchley and Matfield parish are more than 75% AONB and development is generally undesirable and inappropriate.

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	Rose Harrild [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Rose Harrild [REDACTED]
Comment ID	PSLP_349
Response Date	24/05/21 12:57
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Rosemary Harrild
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.	
PSTR/BM1	
PSTR/HOI	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not consistent with national policy

Question 5

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5.591 It is completely wrong to propose to develop this site with 80-100 houses and a new village hall.

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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:

To press the case that Brenchley and Matfield parish are more than 75% AONB and development is generally undesirable and inappropriate.

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Nicholas Harris [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Postern Lane Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Nicholas Harris [REDACTED]
Comment ID	PSLP_676
Response Date	30/05/21 10:17
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	Nicholas Harris
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3 for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	.	It is not effective
	.	It is not justified
	.	It is not consistent with national policy

Question 5

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I am the owner of The Wagon Lodge, Postern Lane, Tonbridge TN11 0QT. My house, which previously belonged to my mother from 1995 is currently rented out.

I know from experience how marginal the position is as to whether mine and other houses in The Postern Park hamlet of houses are flooded. Water can come from the Medway or more directly from the flooded excavated gravel pits to the North of the Postern Park houses. In times of heavy rain the water from the gravel pits can back up and overwhelm the drainage of our sewage systems. It is really imperative then in my mind that the landscape all around us is maintained as countryside and fields to maximise drainage in the area. By contrast a large area of hard surfacing such as would happen should the Tudeley village development be given consent, could significantly increase the risk of our houses being flooded.

Beyond this, the proposed village would multiply by many times the number of people living in Tudeley. This would not be an organic growth of an attractive friendly village surrounded by green fields in an area of Green belt and great beauty. The development proposed would destroy the nature of the existing village forever and obviate the reasons why current residents moved here.

My feeling then is that the proposed development would increase the risk of flood to mine and my neighbours' houses; also it is insensitive to the nature of our village as it currently is. The proposal could not be described as an organic and natural development of Tudeley

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
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Supporting Information File Ref No: SI_10

Comment

Consultee	Charles Harrison [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Charles Harrison [REDACTED]
Comment ID	PSLP_207
Response Date	19/05/21 14:24
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Files	SAVE CAPEL SUBMISSION.pdf PSLP_207_C Harrison_Save Capel_SI_Redacted.pdf
Question 1	
Respondent's Name and/or Organisation	Charles Harrison
Question 3	
To which part of the Local Plan does this representation 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 For Paddock Wood including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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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 retired Australian civil engineer now residing in Tonbridge. I have viewed with a professional interest this proposal for the TBBC Planning Scheme with a particular interest in the locality adjoining where I live.

I am concerned that Council has elected to ignore in the main, its own Principles and Policies as well as National Policies, in an attempt to achieve an outcome required by the National Government. These policies referenced in my submission attached.

I have also been discussing the draft plan with local people who will be more directly impacted than myself, although the increase in traffic density that Tonbridge will inherit will impact on me personally. I am disturbed that council has failed to address the legitimate concerns of these citizens.

I am therefore of the opinion that the Local Plan is not sound and Council has not complied with its Duty to Cooperate.

I am particularly concerned that Council has ignored the National Policy with regard to preserving the Green Belt. In light of the current international momentum towards responding to climate change, I consider Council's attitude towards the green belt in this plan to be not in the National Interest.

Comprising on the Green Belt policy sets a dangerous precedent for future decisions. This is clearly not in the interests of the Local Community and National Policy, and must be avoided at all costs.

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.

Modifications to the plan should include.

- 1 Preserving the Green Belt to stay consistent with National Policy.
- 2 Decreasing the proposed housing density to a level that will not impact the local amenity so dramatically.
- 3 Decreasing the population density will allow Engineers more freedom to manage stormwater run off without the risk of flood damage to current or future residents.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

I understand that TWBC has to update its planning scheme and needs to identify potential areas for sustainable housing development.
 In this particular case I am of the opinion that Council is grasping at any solution to resolve the issue. By this I mean it is prepared to surrender all its previously set values on the Green Belt, Stormwater Flooding, and Amenity in order to achieve an outcome - any outcome.
 The proposal clearly fits into the "overdeveloped" basket and should be reconsidered.
 It is conceivable that a lesser density development could fit well in this area and this aspect should be encouraged, with the cooperation of the Local Community.

If you would like to attach a file in support of your comments, please upload it here. SAVE CAPEL SUBMISSION.pdf

If you would like to attach a file in support of your comments, please upload it here. PSLP_207_C Harrison Save Capel SI Redacted.pdf

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Zoe Harrison [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Zoe Harrison [REDACTED]
Comment ID	PSLP_309
Response Date	24/05/21 11:19
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Zoe Harrison
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/PW 1 The Strategy for Paddock Wood	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound

No

Complies with the Duty to Cooperate

Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: the following comment received by email on 20 May 2021]:

I wish to state my strong objections to the completely ridiculous ideas laid out in your plans for Paddock Wood. Whilst urging people in roadside banners to "shop local" you are proposing a high street with no traffic allowed to pass through it and to shut the bridge which is the main route into Paddock Wood for anyone living that side or in surrounding villages.

By doing so, people will simply get in their cars and go elsewhere which will destroy the village and the lovely independent shops we have here as without allowing vehicle access, people will not shop local! You also state only buses will be allowed to go over the bridge, what about emergency vehicles? The bus service is so dire here, it's beyond expensive and stops ridiculously early so is really not feasible to expect people not to drive!!

Please see some sense, we have numerous amazing country lanes for people to cycle in, doing this stupid and crazy plan will cause people to actually travel further in their cars, as they will just avoid the area, thus increasing pollution further.

A petition has been started against your ridiculous plan on facebook and within a few hours has amassed nearly 200 signatures, this will continue to grow and you need to take people living in the village opinions into account, not just focus on funding!!

[TWBC: the following representation received by email on 24 May 2021]:

The plan to close the High Street in Paddock Wood and the railway bridge to all vehicles except buses has not been thought through at all. It is a completely ridiculous suggestion quite frankly. Given that the reason, according to your strategy for housing development paragraph 4.4, is that Paddock Wood has been chosen for over 3500 additional houses because of it's "main road links", you are now proposing to close one of these off completely!

Under your proposed scheme anyone living the other side of Paddock Wood will no longer be able to enter via the railway bridge into the town but will instead be sent on a good couple of miles detour and end up down Badsell Road (which will already be suffering from clogged up traffic due to all the new housing being put in there) This is going to cause traffic chaos with cars being backed up to the Colts Hill roundabout and surely the whole point of this "Active walking/cycling plan" is to reduce pollution, here you are just creating it by having people travel further to get to where they want to go and engines idling in built up traffic as there will be only one route into and out of Paddock Wood.

The closure of Paddock Wood High Street to traffic will be the death of all of the local independent shops we have and where the council have put signs up around the town encouraging everyone to "shop local" it is somewhat of a farce when you are now suggesting the only way to visit these shops is to walk. There are numerous elderly people who can't walk that far to collect their prescriptions, pick up a paper, visit the butcher or hardware store and even I as an able person, if I cannot shop and take the stuff easily back to my car to take home, will just travel elsewhere, again defeating the object as more miles and more pollution.

To suggest people travel by bus when there is only one bus an hour from Paddock Wood to Tonbridge and it stops at 18.05 is beyond ridiculous. Added to this is the sheer cost of public transport. A bus journey is nearly £4, do you seriously expect a family of 4 to forgoe their car at at cost of £2 for them all to travel to Tonbridge, to catch the once hourly bus and pay £16 for the privilege??

We have already lost a florist, Chinese, Indian takeaway and a hairdresser on the High Street to make way for yet more housing, we will lose all our shops if people cannot easily visit them and park nearby, maybe this is part of your plan so you can just turn the whole of Paddock Wood into a concrete housing jungle but I feel it is very sad for the village.

It is bad enough that we are having to take all these extra houses without any infrastructure in place to deal with it, that we are constantly having to put up with roadworks, traffic lights and utility problems whilst the workmen put in what is required, without then penalising us further by shutting the main routes into and out of Paddock Wood.

There are numerous country lanes available for cyclists and walkers and seen as they do not contribute towards the roads in terms of road tax, I do not see why their needs are more important. In an ideal world everyone would walk everywhere but we all lead busy lives, trying to get to work, nip to the shops etc and therefore cars are sadly required.

Please see some sense in your unfeasible and ill thought out plans as all these will do is close our lovely high street shops and cause traffic build up and pollution which is definitely not what the aim of this funding was!

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Philip Govan [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hartley Save Our Fields
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hartley Save Our Fields [REDACTED]
Comment ID	PSLP_1112
Response Date	03/06/21 11:54
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.8
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Hartley Save Our Fields
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook

Question 4a

If 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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HSOF comments re Turnden (AL/CRS3) for Pre-submission Local Plan (PSLP)

Hartley: Save Our Fields ("HSOF") is a group of local residents working to ensure that people are informed of major planning applications and what decisions are being made that will impact Hartley and Cranbrook

There is strong local opposition to any development on this sensitive and historic proposed allocation AL/CRS3 and many reasons why this site should never be developed. The main issues remain:

AONBAL/CRS3 would constitute a major development in the AONB, despite there being weighty national and local protections for AONBs permitting major development only in exceptional circumstances. These exceptional circumstances are not evidenced in the Pre-submission Local Plan (PSLP). It is stated in the PSLP, however, as per NPPF Paragraph 172, that the scale and extent of development in AONBs should be '*limited*'.

- Turnden Phase 2 (165 dwellings) and phase 1 (36 dwellings) along with the adjacent Brick Kiln/Corn Hall site (AL/CRS 1/2) will generate over 400 dwellings in total. This will have a considerable impact on the setting of Cranbrook, its conservation area, the High Weald AONB, the Crane Valley and the historic, rural landscape. By no stretch of the imagination can this be said to be 'limited'. Why are TWBC allowing allocation of AL/CRS3 to go ahead knowing that it will irrevocably damage the AONB landscape and its setting?

The PSLP describes the High Weald AONB as a '*small-scale landscape, having an absence of large-scale urban extension*' with '*large tracts of land in particular making important contributions to the landscape and scenic beauty of the AONB*'.

- If allocated, development on AL/CRS3 will demolish acres of these 'large tracts' of AONB land destroying historic settlement patterns in its wake and causing untold damage to biodiversity. This allocation will categorically not 'conserve and enhance' the landscape and scenic beauty in the High Weald AONB. According to numerous government statements, AONB should have the highest status of protection and be preserved for future generations? Why is this not happening?

Much smaller applications (e.g. 31 homes in Sissinghurst **19/03359/OUT** and the recent Gate Farm appeal) have been refused by TWBC because development would '*fail to respect the existing settlement pattern, result in a harmful level of encroachment into the countryside and cause harm to the setting of the HW AONB*'.

- This allocation is more than 6 times bigger so why do the same arguments not apply?

SustainabilityAL/CRS3 fails on all 3 strands of sustainable development:

Economy

- Urbanisation of the landscape, 165 dwellings and 342 parking spaces would result in the destruction of more than 60 acres of grade 3 agricultural land, thus negatively impacting on agriculture which is the actual local economy of this Parish.
- The loss of the rural character of this ancient landscape and its relationship to the conservation area of Cranbrook town with the added aggravation of a congested road network leading to the parish will adversely impact the second main revenue for the town: tourism.
-

TWBC Sustainability Appraisal states that '*The relationship between the balance of the economic, social and environmental priorities is a fundamental theme running through the Sustainability Appraisal.*'

o It would appear, however, that in the case of AL/CRS3, there is no balance. There is very little economic benefit in the allocation of the site apart from temporary employment generated during the build.

Social

• TWBC Sustainability Appraisal states '6.540 *Significant new development will be focused on those locations in the borough which are sustainable and/or will be of such a scale that they provide access to employment, shopping, leisure, education and other activities, and a choice of transport modes. An integrated and comprehensive approach to transport provision has been developed through discussion with highways authorities and other transport providers, which offers choice and prioritises active travel and then public transport, as an alternative means of transport to the private car, particularly for single occupancy and short journeys.*'

o The proposed allocation of AL/CRS3 is a car centric development as employment opportunities lie predominantly outside the town, requiring access to Staplehurst or other railway stations by car or by car journeys to the areas of the Borough where employment is targeted such as North Farm, or to major towns out of the Borough such as Maidstone or Tunbridge Wells. o The distance and location of local facilities necessitates the use of private cars to access them. o What is the social benefit of building an edge of town major development?

Environmental

• AL/CRS3 scores negatively on many aspects of TWBC's own Sustainability Appraisal: e.g. heritage, landscape, air quality, biodiversity etc. • AL/CRS3 and AL/CRS1 and 2 will have a devastating impact and generate severe environmental damage to the Parish. • Historic flooding at St David's Bridge and the cumulative effects of the impact of congestion and air quality do not appear to have been assessed or taken into account. • Detrimental damage to ancient woodland is foreseen due to insufficient buffer as advised by Kent Woodland Trust. • There is absolutely no environmental benefit for allocation of this site.

Transport

• Should the allocation of AL/CRS3 proceed, there will be 6 points of access within 200m on to the A229, serving over 400 houses and the High Street. The A229 is already a very busy and dangerous road with vehicles frequently travelling in excess of the current speed limit of 40mph. Development of AL/CRS3 will considerably increase the risk of accidents. • AL/CRS3 will generate significant additional traffic along the A229 and around Cranbrook town. The Hawkhurst crossroads which link with the A229 at Cranbrook has already been designated an Air Quality Management Area with unsafe air quality levels. Any development in Cranbrook will potentially lead to increased levels of air pollution and a risk to public health. Additionally there will be increased congestion on the A262 and associated raised air quality levels at Goudhurst. • In addition to the A229 being dangerous itself, any development will also require considerable signage which will be distracting and will detract from the rural approach to the town. • Requests by the Community Advisory group AND the Parish council to masterplan non-car routes to the town hub and essential services with the developers of the adjacent sites have been ignored. The alternative is for pedestrians and cyclists to emerge onto the A229 and experience the same 'significant and demonstrable harm to road safety' as cited by the planning officer in the recent Hartley Gate Farm Appeal.

. The site is unsustainable. Milestone measured the walking time from AL/CRS3 to the Primary School as 18 minutes. This was verified at 6pm one January evening, and walking at considerable speed, meeting no one on the pavement nor waiting to cross the road it was just possible to achieve this from Orchard Way. With a small child going to Primary school from AL/CRS3 and possibly a buggy, this is impossible.

Design AL/CRS3 is a car dependent, major development and together with Brick Kiln Farm, it will form a substantial urban extension to Cranbrook.

The recent proposal from Berkeley Homes does not conserve or enhance the distinctiveness and the architectural quality of the High Weald AONB. Its layout and design are not compatible with nor reinforce the landscape character of the High Weald AONB. It does not set the high design standards that reflect traditional features and there is no innovation in sustainable construction and so it fails to address the real challenges of climate change.

Their proposals reflect exactly what we see all around us in Paddock Wood, Tunbridge Wells, Marden, all delivered by volume housebuilders. The local community knows and appreciates the special qualities of the present Turnden site and for such a sensitive location their proposal is underwhelming and mediocre.

Cranbrook provides the historic setting with its wealth of listed and non-designated buildings, the conservation areas and heritage assets. The Design and Access statement shows a lack of analysis of local grain, texture and pattern and it does not respect the character and historical development of Cranbrook. The repetitious use of housing typologies does not relate to the principles set out in the High Weald AONB Design Guide. There is a conflict in the design principles between the urban style and the rural location that remains unresolved.

The character areas of The Green, The Yards, and The Rural Village Edge seem to have been plucked from the air and placed at Turnden. They have a random reference to the countryside but bear no relation to the landscape and architecture. The proposed apartment blocks with their squeezed interior spaces, might well increase housing density but their scale and design are incongruous within the AONB landscape. This suburbanisation is out of character and despite the green frontage, the coalescence of Cranbrook with Hartley will be promoted which the AONB states is to be avoided.

The proposal does not use any locally sourced materials, and it provides the bare minimum to support climate change initiatives with photovoltaic panels only on market houses and not on affordable housing.

The High Weald AONB is a nationally treasured landscape affording the highest status of protection, exemplifying the very best of distinctive and beautiful places in England. For that reason, it is worthy of the very best of distinctive and beautiful architecture and it is therefore astonishing that TWBC would consider the application by Berkeley Homes to be in any way acceptable.

Additional Points• AL/CRS3 has never been interrogated as an allocation by a planning inspector

- TWBC could have found alternatives to AL/CRS3 not situated within the AONB.
- TWBC was aware of evidence from the local community showing a preference for small-scale developments and infill (with alternative sites proposed) rather than large-scale developments on greenfield sites such as AL/CRS3
- Allocation of AL/CRS3 does not conform to the policies in the High Weald Management Plan, nor to some of TWBC's own policies in the PSLP.
- Despite numerous objections from the community, Parish Council as well as notable statutory consultees AL/CRS3 remains allocated by TWBC. Why is this?

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, Not Stated data inputter to tick 'not stated' box.

Comment

Consultee	Dr Janet Sturgis [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkenbury Allotment Holders' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hawkenbury Allotment Holders' Association (Dr Janet Sturgis - [REDACTED])
Comment ID	PSLP_54
Response Date	22/04/21 10:37
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (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	Hawkenbury Allotment Holders' Association
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 19: Land to the north of Hawkenbury Recreation Ground

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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RE: Policy AL1 RTW 19:

2 Access...

Proposals should include localised widening and highway improvement as required

3 Improvement...

To facilitate the additional flow of traffic

A HAA's Historical Background in the Area

1. HAA's origins: The 'Marlpits site' at the corner of Halls Hole Road and High Woods Lane was leased to the Council for allotments by Mr B H Collins, owner of the Dunorlan estate, on 29th September 1891. It was then designated by the Council as being a Statutory Site, which meant that any change of use could be imposed only with the agreement of the Secretary of State.

2 HAA's unique status: It is the largest and only allotment site in RTW administered by a Committee of volunteers. We manage approximately 313 plots held by 202 tenants.

3 Hawkenbury Allotments was recently named *Designated Green Space 223*

B HAA's Response

Proposals to localised widening and highway improvements as required to facilitate the additional flow of traffic

- . We are concerned that these proposals could affect those of our ploholders who for many years have regularly parked alongside our hedge bordering the east side of High Woods Lane. Many of these individuals are elderly with some mobility issues and would be unable to manage accessing their plots from the parking areas off *HALLS HOLE ROAD* which we have recently created.
- . Examination of the spaces for parking on the new sports ground plan suggests they are entirely inadequate. With **22** youngsters on the two teams playing on **six** pitches, there is a potential of **132 parental cars** arriving to transport the youngsters on tournament days.
- . We suggest this due to long experience of the consequent extensive parking along Forest Road, Frant Road and Saint Marks Road on days of rugby tournament at the rugby ground at the top of Frant Road. And there are many more young footballers than rugby players in the town.
- . We recognise the need for upgraded facilities for young footballers, but the current proposals appear not only inadequately designed for youngsters but likely to have a negative effect on elderly allotment holders.

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	Dr Janet Sturgis [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkenbury Allotment Holders' Association
Address	[REDACTED] Tunbridge Wells [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hawkenbury Allotment Holders' Association (Dr Janet Sturgis - [REDACTED])
Comment ID	PSLP_394
Response Date	25/05/21 15:51
Consultation Point	Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Dr Janet Sturgis, Hawkenbury Allotment Holders' Association
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 19 Land to the north of Hawkenbury Recreation Ground

Paragraph Numbers: 2, 4, 6

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not 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.

After this 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.

Hawkenbury Allotment Holders' Association (HAHA) Historical Background in the Area

HAHA's origins lie in the establishment by Tunbridge Wells Borough Council on 29th September 1891 of the 'Marlpits' allotments site at the corner of Halls Hole Road and High Woods Lane. The land was leased for allotments by Mr B H Collins, owner of the Dunorlann estate. It was then designated by the Council as a **Statutory Site**, which meant that any change of use could be imposed only with the agreement of the Secretary of State.

It is now the largest allotments site within the borough and is unique in being administered by a Committee of volunteers since 1991. They currently manage 313 plots held by 202 tenants.

Hawkenbury Allotments was recently named *Designated Green Space 223*.

I – together with our elected Committee and significant numbers of allotment holders – maintain that our long experience of the parking situation in Halls Hole Road and High Woods Lane gives us a unique insight into the potential problems which will result if the current plans for parking in the new football ground are carried out.

Because as time has gone by since 1895, when virtually all plotholders arrive on foot and were resident within Hawkenbury, it is now the case that the vast majority now arrive by car.

While we have been forced to create (very limited) parking space off via our two entrances off Halls Hole Road, there is no possibility of doing so from High Woods Lane, as there are working plots right up to the perimeter hedge. Many plotholders are elderly, may have mobility issues and need nearby parking.

The advent of the numbers of parents etc who will arrive with the youngsters coming for training and even more so for matches will far outstrip the very limited spaces provided in the draft plan. This will cause a massive overflow affecting a much greater area than High Woods Lane; but that is our principal concern.

Our claim is supported by evidence of the effect on Forest Road, St Marks Road etc whenever there is a match at the rugby pitch near the junction of Forest Road and St Marks Road. Both roads are filled with cars until the match finishes. Yet Forest Road can accommodate a far greater number of cars than the dozen or so that would fill High Woods Lane.

Because the numbers of youngsters who play football far outweigh those who play rugby, we predict the effect will be far greater.

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 suggest that removing the two very small pitches and using them for parking would go some way toward addressing the problem. Just because children are small does not mean they would accept being relegated to the tiny pitches that are designated for their use.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I believe that I have 30 years' unique experience relating to the problem I have identified relating to specific detail of **Policy AL! RTW 19**

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Clare Escombe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1282
Response Date	04/06/21 10:39
Consultation Point	Policy STR 1 The Development Strategy (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	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR 1 The Development Strategy	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Yes

Is sound ☐ No
Complies with the Duty to Cooperate ☐ Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: ☐ It is not justified

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Development/Allocations STR 1 - Hawkhurst Parish Council welcomes the reduced level of development within the AONB, both in Hawkhurst and more widely. However, we disagree that all of the remaining site allocations are justified by exceptional circumstances (STR 1 point 8), for instance, AL/HA4 and also AL/CRS 3 in Cranbrook.

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	Ms Clare Escombe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	The Office at The Moor Hawkhurst TN18 4NT
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1294
Response Date	04/06/21 10:39
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/HA 1 The Strategy for Hawkhurst parish

Paragraph No(s) 5.285, 5.357, 5.358, 5.359, 5.361

[TWBC: for further comments relating to specific Policies - STR 1, AL/HA 4, AL/HA 5, AL/HA 7 and AL/HA 8 - please see Comment Numbers PSLP_1282, PSLP_1286, PSLP_1287, PSLP_1289 and PSLP_1290]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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Traffic/Transport

HPC regards the requirement for development proposals to establish the impact on Hawkhurst crossroads and the Flimwell crossroads (5.285 and 5.358) as a positive aspect of this Plan. However, there has been no strategic assessment carried out of the traffic impacts on the Hawkhurst crossroads and the Flimwell junction. The borough-wide transport assessment does not consider these impacts. Therefore, the Plan is not "sound".

Any mitigation measures need to be effective and be based on evidence. To date, the approach has been a contribution to KCC for buses. HPC has been unable to obtain any evidence that this money has been spent on Hawkhurst. Indeed, we have been told that it has not. We have seen no evidence to suggest that this approach has had any impact on the traffic situation in the village (paragraph 5.359).

Paragraph 5.357 indicates that a "relief" road was considered, together with the closure of the northern arm of the Hawkhurst crossroads. We welcome TWBC's decision that this was not supportable in the context of national policy to limit development in AONBs. However, we feel that it is important to emphasise that HPC and the residents of Hawkhurst object strongly to the suggestion that this would have been a "relief" road. It would, in fact, have been an access road for a large housing development that would have had a negative impact on traffic congestion on the other three arms of the crossroads and the Flimwell junction. This would have also impacted the wider highway network, not just in Hawkhurst but in the surrounding villages.

HPC also want to draw attention to the fact that the Sustainability Appraisal concludes that the proposed allocations will have a negative impact on traffic.

Air Quality

Hawkhurst Parish Council welcomes the inclusion of the requirement to assess the impact of developments on air quality on the Cranbrook Road arm of the crossroads (STR/CRS1 4 & STR/HA1 5). However, it should be noted that the Parish Council and our Borough Councillors have significant concerns relating to the level of pollution on the other arms of the crossroads. TWBC has recently introduced additional monitoring tubes, but this data will not be available until at least 2022.

Consequently, we request that the results of this monitoring will be fed into the Local Plan when it becomes available.

Again, we note that the Sustainability Appraisal indicates that the level of development proposed will have a negative impact on air quality. This is concerning for Hawkhurst and its residents and it is vital that this impact is minimised.

Infrastructure

Paragraph 5.361 states that additional wastewater capacity **may** be required. There is no doubt that this will be required for the level of development proposed in the Plan. Hawkhurst's sewage treatment works are already operating overcapacity. In this respect, the Plan continues to fail to address the need to ensure that developments are only allowed to proceed when the planning authority is satisfied that the associated services and utilities are adequate to support them. For example, there is reference to the need for additional capacity at water waste treatment works (page 53 and STR5) and a claim that regulatory bodies "have been consulted" (page 55) but developers are merely required to collaborate with service providers without sanction for non-delivery. Our experience with Southern Water gives no confidence that the statutory providers will either co-operate effectively, or comply with any undertaking once given. It should be made clear that planning permission will not be given in the absence of effective and binding undertakings relating to the provision of the necessary services, and that construction will not be permitted until those services and utilities are in place.

Question 6

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Strategic assessment carried out of the traffic impacts on the Hawkhurst crossroads and the Flimwell junction.

Strengthening of the requirements for infrastructure to be in place prior to construction commencing.

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	Ms Clare Escombe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	[REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1286
Response Date	04/06/21 10:39
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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AL/HA4 - This allocation should be removed from the Local Plan as it was refused at planning committee. Moreover, KCC Highways have objected to this site on Highways grounds so it does not comply with paragraph 5.358. Therefore, we request that this allocation is removed from the Plan and HA1 is adjusted to reflect the overall amended numbers.

Question 6

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Removal of AL/HA4 and adjustment to numbers in HA1.

Question 7

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Clare Escombe [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	The Office at The Moor Hawkhurst TN18 4NT
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1287
Response Date	04/06/21 10:39
Consultation Point	Policy AL/HA 5 Land to the north of Birchfield Grove (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	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 5 Land to the north of Birchfield Grove

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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AL/HA5 - HPC recognises that there is a need for a new medical centre, However, this is not an appropriate site due to the impact on the AONB and the unacceptable level of traffic through Birchfield Grove.

Question 6

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Removal of AL/HA5.

Question 7

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Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	The Office at The Moor Hawkhurst TN18 4NT
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1289
Response Date	04/06/21 10:39
Consultation Point	Policy AL/HA 7 Hawkhurst Station Business Park (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 7 Hawkhurst Station Business Park

[TWBC: this comment has been input against Policies AL/HA 7 and AL/HA 8 - please see Comment Numbers PSLP_1289 and PSLP_1290]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

Question 5

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AL/HA7 & AL/HA8 - The Sustainability Appraisal indicates that these two sites will have a negative impact on air quality and travel. It seems feasible that these allocations will result in increased passage of HGVs through the village. Therefore, as with other allocations, we would request that there is a need for an impact assessment on Hawkhurst crossroads both in terms of traffic congestion and air quality.

Question 6

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Specific reference to the need to determine the impact on Hawkhurst crossroads for AL/HA7 and AL/HA8.

Question 7

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Email Address	[REDACTED]
Company / Organisation	Hawkhurst Parish Council
Address	The Office at The Moor Hawkhurst TN18 4NT
Event Name	Pre-Submission Local Plan
Comment by	Hawkhurst Parish Council [REDACTED] [REDACTED]
Comment ID	PSLP_1290
Response Date	04/06/21 10:39
Consultation Point	Policy AL/HA 8 Site at Limes Grove (March's Field) (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Hawkhurst Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 8 Site at Limes Grove (March's Field)

[TWBC: this comment has been input against Policies AL/HA 7 and AL/HA 8 - please see Comment Numbers PSLP_1289 and PSLP_1290]

Question 4

Do you consider that the Local Plan:

Is legally compliant	Yes
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not justified

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AL/HA7 & AL/HA8 - The Sustainability Appraisal indicates that these two sites will have a negative impact on air quality and travel. It seems feasible that these allocations will result in increased passage of HGVs through the village. Therefore, as with other allocations, we would request that there is a need for an impact assessment on Hawkhurst crossroads both in terms of traffic congestion and air quality.

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Specific reference to the need to determine the impact on Hawkhurst crossroads for AL/HA7 and AL/HA8.

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Comment

Consultee	Ms Heidi Brigitte Hawley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Heidi Brigitte Hawley [REDACTED]
Comment ID	PSLP_160
Response Date	12/05/21 11:04
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	Heidi Brigitte Hawley
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policy AL/BE3 and AL/BE4

Policies Map 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_160, PSLP_161 and PSLP_162]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

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“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

(a) in writing, or

(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Heidi Brigitte Hawley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Heidi Brigitte Hawley [REDACTED]
Comment ID	PSLP_161
Response Date	12/05/21 11:04
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	Heidi Brigitte Hawley
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policy AL/BE3 and AL/BE4

Policies Map 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_160, PSLP_161 and PSLP_162]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

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(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Heidi Brigitte Hawley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Cranbrook [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Ms Heidi Brigitte Hawley [REDACTED]
Comment ID	PSLP_162
Response Date	12/05/21 11:04
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Heidi Brigitte Hawley
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policy AL/BE3 and AL/BE4

Policies Map 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_160, PSLP_161 and PSLP_162]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

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(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

*“3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. **Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.” This is ecologically illiterate. Moving a LWS by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance.** Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.*

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

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examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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

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If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

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Supporting Information File Ref No: SI_22

Comment

Consultee	Peter Hay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_374
Response Date	24/05/21 13:02
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Peter Hay
Question 3	
To which part of the Local Plan does this representation relate?	Policy

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Policy AL/HA1 - Land at the White House, Highgate Hill

Policy AL/HA2 - Brook House, Cranbrook Road

Policy AL/HA3 - Former Site of Springfield Nurseries, Cranbrook Road, Hawkhurst

Policy AL/HA4 - Land off Copthall Avenue and Highgate Hill

Policy STR/CS1 - The Strategy for Cranbrook and Sissinghurst Parish

Policy AL/CRS1 Land off Brick Kiln Farm, Cranbrook Road

Policy AL/CR3 - Turnden Farm, Hartley Road, Cranbrook

[TWBC: this representation has been input against Policies STR/HA 1, AL/HA1, AL/HA2, AL/HA3, AL/HA4, STR/CS1, AL/CRS1 and AL/CR3 – see Comment Numbers PSLP_359 and PSLP_370-376]

Question 4

Do you consider that the Local Plan:

Is legally compliant Yes

Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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- . It is not justified
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Question 5

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I very much strongly support the removal of Hawkhurst Gold Club Site and overall reduction in housing allocation within the village and also the reduction in harm to AONB. In addition, I do not consider the remaining numbers, HA/1, HA/4 along with Cranbrook CRS/1 and CRS/4 are justified as no assessment has been undertaken of the cumulative effect upon the junction at Flimwell and the village crossroads. Note: The recent planning application South of Copthall Avenue was recently refused partly because of this impact and AONB.

Also, I do not consider that HA/1, HA/3, CRS/1 and CRS/4 are consistent with National Policy as neither focus on sustainable locations for development and the use of private cars will always remain – NPPF 103 and 104 refers. This is plain to see.

I would also say that the policies will fail to preserve or enhance the AONB contrary to NPPF Para 172

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1. Removal of Copthall allocation HA/4 (plans are incorrect anyway)
2. To modify HA/1 to reflect reduced overall numbers of housing in Hawkhurst following removal of HA/1
3. To modify CRS/1 to reflect overall reduction in housing numbers in Cranbrook as a result of the removal of CRS/1
4. To modify HA/2 and HA/3 to include wording from Local Plan AL/HA/1 to ensure Area of Landscape Importance is retained and reinforced as part of any new proposal for planning permission.
5. Modify HA/1 and make it clearer that any development outside LBD will not be permitted (unless there is an exception specifically identified elsewhere in the plan)

Question 7

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Supporting Information File Ref No: SI_22

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Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_375
Response Date	24/05/21 13:02
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (View)
Status	Processed
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Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
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4. To modify HA/2 and HA/3 to include wording from Local Plan AL/HA/1 to ensure Area of Landscape Importance is retained and reinforced as part of any new proposal for planning permission.
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Supporting Information File Ref No: SI_22

Comment

Consultee	Peter Hay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_376
Response Date	24/05/21 13:02
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
Data inputter to enter their initials here	KH
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Respondent's Name and/or Organisation	Mr Peter Hay
Question 3	
To which part of the Local Plan does this representation relate?	Policy

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Question 4

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Is sound No

Complies with the Duty to Cooperate Yes

Question 4a

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Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

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Consultee	Peter Hay [REDACTED]
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Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_359
Response Date	24/05/21 13:02
Consultation Point	Policy STR/HA 1 The Strategy for Hawkhurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
Data inputter to enter their initials here	KH
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Respondent's Name and/or Organisation	Mr Peter Hay
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Supporting Information File Ref No: SI_22

Comment

Consultee	Peter Hay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_370
Response Date	24/05/21 13:02
Consultation Point	Policy AL/HA 1 Land at the White House, Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
Data inputter to enter their initials here	KH
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Respondent's Name and/or Organisation	Mr Peter Hay
Question 3	
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Supporting Information File Ref No: SI_22

Comment

Consultee	Peter Hay [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Hawkhurst [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hay [REDACTED]
Comment ID	PSLP_371
Response Date	24/05/21 13:02
Consultation Point	Policy AL/HA 2 Brook House, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_359 & PSLP_370-376 Hawkhurst traffic supporting photographs Redacted.pdf
Data inputter to enter their initials here	KH
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Respondent's Name and/or Organisation	Mr Peter Hay
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Status	Processed
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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.

1. Removal of Copthall allocation HA/4 (plans are incorrect anyway)
2. To modify HA/1 to reflect reduced overall numbers of housing in Hawkhurst following removal of HA/1
3. To modify CRS/1 to reflect overall reduction in housing numbers in Cranbrook as a result of the removal of CRS/1
4. To modify HA/2 and HA/3 to include wording from Local Plan AL/HA/1 to ensure Area of Landscape Importance is retained and reinforced as part of any new proposal for planning permission.
5. Modify HA/1 and make it clearer that any development outside LBD will not be permitted (unless there is an exception specifically identified elsewhere in 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)

Comment

Consultee	Eddie Haydock [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Eddie Haydock [REDACTED]
Comment ID	PSLP_1757
Response Date	04/06/21 16:27
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Eddie Haydock
Question 3	
To which part of the Local Plan does this representation 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

Policy STR/CA1 The Strategy for Capel Parish

Policy STR/PW1 The Strategy for Paddock Wood

[TWBC: this representation has been input against Policies STR/SS3, STR/CA1 and STR/PW1 – see Comment Numbers PSLP_1757, PSLP_ and PSLP_]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have received an email from one of my Borough Councillors, Matt Boughton, containing a copy of a letter from him and fellow councillors Jon Botten and James Lark of Medway Ward on Tonbridge and Malling Borough Council to Tunbridge Wells Borough Council dated 02/06/2021 regarding the TWBC Local Plan Regulation 19 Consultation and encouraging me to respond also.

My comments apply primarily to "The Strategy for Tudeley Village" (Policy STR/SS3) and also to "The Strategy for Capel Parish" (Policy STR/CA1) and "The Strategy for Paddock Wood" (Policy STR/PW1).

Whilst I agree wholeheartedly with the points they raise and ask that the validity therein be both recognised, accepted and acted upon, I wish to take this opportunity to stress that their objections hardly scratch the surface in reflecting the horror many people in Tonbridge feel at the vandalism that these proposals will wreak upon their locality.

Unlike the councillors I needn't be polite and diplomatic. I needn't couch my words or be overly judicious. I needn't tread lightly, one step at a time and defer to my colleagues and fellow public servants. I have no "duty to co-operate".

In a previous email to you I outlined my objections in minute detail but since none has apparently been addressed, and it seems that many original problems have been exacerbated (the proposed permanent closure of Hartlake Road springs to mind) I feel my only recourse is to be angry and forthright and say unequivocally that it is disgraceful and shameful that TWBC are planning to rape the natural environment in such a blatant way, that an intolerable burden is to be casually shifted onto the infrastructure of an already overstretched area that isn't in their jurisdiction and that dangerous flooding issues are to be disregarded in what can only be described as a wilful act of destruction at best and a greedy, self-interested land grab at worst.

It's that simple.

Or is it?

It may be that those on TWBC who support the plan in its current form are just the "idle-minded overlings" to whom Kipling once referred?

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	Eddie Haydock [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Eddie Haydock [REDACTED]
Comment ID	PSLP_1760
Response Date	04/06/21 16:27
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Eddie Haydock
Question 3	
To which part of the Local Plan does this representation 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

Policy STR/CA1 The Strategy for Capel Parish

Policy STR/PW1 The Strategy for Paddock Wood

[TWBC: this representation has been input against Policies STR/SS3, STR/CA1 and STR/PW1 – see Comment Numbers PSLP_1757, PSLP_1759 and PSLP_1760]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Comment

Consultee	Eddie Haydock [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Eddie Haydock [REDACTED]
Comment ID	PSLP_1759
Response Date	04/06/21 16:27
Consultation Point	Policy STR/CA 1 The Strategy for Capel parish (View)
Status	Processed
Submission Type	Email
Version	0.4

Data inputter to enter their initials here KH

Question 1

Respondent's Name and/or Organisation Eddie Haydock

Question 3

To which part of the Local Plan does this representation 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

Policy STR/CA1 The Strategy for Capel Parish

Policy STR/PW1 The Strategy for Paddock Wood

[TWBC: this representation has been input against Policies STR/SS3, STR/CA1 and STR/PW1 – see Comment Numbers PSLP_1757, PSLP_1759 and PSLP_1760]

Question 4a

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Question 5

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Question 7

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For office use only

**If responder hasn't ticked an option on this box,
data inputter to tick 'not stated' box.** Not Stated

Comment

Agent	Jacqueline Hayward. Gan [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock wood Kent [REDACTED]
Consultee	Jacqueline Hayward Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqueline Hayward Gant ([REDACTED])
Comment ID	PSLP_1259
Response Date	04/06/21 12:33
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	Jacqueline Hayward Gant
Question 3	
To which part of the Local Plan does this representation 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

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'm agreeable to some new housing but to start the Mascall's site and Church Road Site at the same time as Green Lane site, the Hop Pocket old pub site and lose the orchards and fields down to the old Elm Tree pub. The site of the fish and chip shop on Maidstone Road, the development on the site of the old police station, the corner detached house in Church Road are all being made into several properties. Every space with fields, orchards and the oxygen we get from the trees are being destroyed. They cut down the old oak trees on church road and hacked through the ancient hedgerows before the ecologist was present. I'm sure she was only present as several of us demanded to know why they were destroying habitats with foxes, owls, rabbits and badgers and bird life including 2 small egrets that live near the Church Lane site.

No infrastructure pre builds, no school, no extra GP practices, no fire station ready as it is a retained station and then no police station.

The train station car park is always full pre building works. The trains are full by the time they get to Paddock Wood so how will the thousands of new people in the new builds get to work on the shortened train service, also they took away the trolley service on the trains.

The building of the retirement buildings behind Barsley's has meant another car park taken away. We have already lost the Barclays Bank and the HSBC Bank in the small high street/ Commercial Road.

The bus service is extremely irregular and very expensive.

They also want to build on the Memorial Park again concreting again for a car park and leaving millions of pounds in debts payable over a huge amount of years.

Why are they placing out of borough, London borough social housing in the Green Lane site when the have approximately 1000 people on the social housing list?

The fields that are being built on had orchards which soaked up excess water after heavy rain and also flooded parts of Paddock Wood pre new builds. Now the fields and orchard are gone the water table and Earth had flooded and they are building these houses on flood zones.

The idea of keeping the country green is a contradiction of cutting down everything on the green spaces and fields, approx it's possible that a paddock wood may have 3000/4000 more cars on the roads making it dangerous for children and adults with asthma, copd, and other lung conditions causing increased harm when the country is meant to be going green. The bottle neck of the Badsall Road housing is opposite a school with over 1200 pupils all walking to school and breathing in the additional car fumes, the babies and toddlers in prams and pushchairs level to the exhaust pipes.

I moved to Paddock Wood 17 years ago for its green spaces and small primary school and later the larger school.

I'm disgusted by the lack of accountability and decision making by the current conservative councillors voting for the developments when they are meant to be working with the local community who do not want this huge amount of housing placed in Paddock Wood and not spread out over Tunbridge Wells.

Why build over 50 percent of the housing in Paddock Wood and even more housing in Capel?

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Jacqueline Hayward. Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock wood Kent [REDACTED]
Consultee	Jacqueline Hayward Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqueline Hayward Gant [REDACTED]
Comment ID	PSLP_1271
Response Date	04/06/21 12:43
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mrs Jacqueline Hayward Gant
Question 3	
To which part of the Local Plan does this representation 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/SS2

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'm agreeable to some new housing but to start the Mascall's site and Church Road Site at the same time as Green Lane site, the Hop Pocket old pub site and lose the orchards and fields down to the old Elm Tree pub. The site of the fish and chip shop on Maidstone Road, the development on the site of the old police station, the corner detached house in Church Road are all being made into several properties. Every space with fields, orchards and the oxygen we get from the trees are being destroyed. They cut down the old oak trees on church road and hacked through the ancient hedgerows before the ecologist was present. I'm sure she was only present as several of us demanded to know why they were destroying habitats with foxes, owls, rabbits and badgers and bird life including 2 small egrets that live near the Church Lane site.

They closed Commercial Road to traffic with no consultation and placed later planters actually on the road with the two yellow lines covered potentially could cause an accident. I could not use my blue badge in the road and it isolated me in my home as well as shielding for 14 months as I am in group 4. My husband as well is in group 4.

My daughter too with medical problems which led her to have to sell her Land Rover as she sustained multiple fractures to her vertebrae.

I could not get a NHS placement in the local dentists as they had a long waiting list and were not taking new clients. The GP surgery as well finding the workload extremely busy pre any new houses being filled.

No infrastructure pre builds, no school, no extra GP practices, no fire station ready as it is a retained station and then no police station.

The train station car park is always full pre building works. The trains are full by the time they get to Paddock Wood so how will the thousands of new people in the new builds get to work on the shortened train service, also they took away the trolley service on the trains.

The building of the retirement buildings behind Barsley's has meant another car park taken away. We have already lost the Barclays Bank and the HSBC Bank in the small high street/ Commercial Road.

The bus service is extremely irregular and very expensive.

They also want to build on the Memorial Park again concreting again for a car park and leaving millions of pounds in debts payable over a huge amount of years.

Why are they placing out of borough, London borough social housing in the Green Lane site when they have approximately 1000 people on the social housing list?

The fields that are being built on had orchards which soaked up excess water after heavy rain and also flooded parts of Paddock Wood pre new builds. Now the fields and orchards are gone the water table and earth has flooded and they are building these houses on flood zones.

The idea of keeping the country green is a contradiction of cutting down everything on the green spaces and fields, approx it's possible that a paddock wood may have 3000/4000 more cars on the roads making it dangerous for children and adults with asthma, COPD, and other lung conditions causing increased harm when the country is meant to be going green. The bottle neck of the Badsall Road housing is opposite a school with over 1200 pupils all walking to school and breathing in the additional car fumes, the babies and toddlers in prams and pushchairs level to the exhaust pipes.

I moved to Paddock Wood 17 years ago for its green spaces and small primary school and later the larger school.

I'm disgusted by the lack of accountability and decision making by the current conservative councillors voting for the developments when they are meant to be working with the local community who do not want this huge amount of housing placed in Paddock Wood and not spread out over Tunbridge Wells.

Why build over 50 percent of the housing in Paddock wood and even more housing in Capel?

Then they also want to take the memorial land left to the people of Paddock Wood for exercise and fresh air and now the plan to build a new community centre with concreted car parks over the green spaces.

Why are the council agreeing to multiple sites in one small town.

Why are they not looking at the elderly and adults and children with special needs and taking away the cars from Commercial Road will mean no access for people with blue badges who can not take a hopper bus as they cannot travel on a bus when they have, like me, no bus stops near my home.

This surely is restrictive and against the Disability Discrimination Act.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

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Comment

Agent	Jacqueline Hayward. Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock wood Kent [REDACTED]
Consultee	Jacqueline Hayward Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqueline Hayward Gant [REDACTED]
Comment ID	PSLP_1273
Response Date	04/06/21 12:52
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Mrs Jacqueline Hayward Gant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR6 2b) Low Traffic Town, possible closure of Paddock Wood Railway Bridge to vehicles as part of the Local Cycling & Walking Infrastructure Plan & partial closure of Commercial Road to traffic

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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Agent	Jacqueline Hayward. Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock wood Kent [REDACTED]
Consultee	Jacqueline Hayward Gant [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Paddock Wood Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Jacqueline Hayward Gant ([REDACTED])
Comment ID	PSLP_1268
Response Date	04/06/21 12:37
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	Mrs Jacqueline Hayward Gant
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS3

Question 4

Do you consider that the Local Plan:

Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not effective
	. 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'm agreeable to some new housing but to start the Mascall's site and Church Road Site at the same time as Green Lane site, the Hop Pocket old pub site and lose the orchards and fields down to the old Elm Tree pub. The site of the fish and chip shop on Maidstone Road, the development on the site of the old police station, the corner detached house in Church Road are all being made into several properties. Every space with fields, orchards and the oxygen we get from the trees are being destroyed. They cut down the old oak trees on church road and hacked through the ancient hedgerows before the ecologist was present. I'm sure she was only present as several of us demanded to know why they were destroying habitats with foxes, owls, rabbits and badgers and bird life including 2 small egrets that live near the Church Lane site.

No infrastructure pre builds, no school, no extra GP practices, no fire station ready as it is a retained station and then no police station.

The train station car park is always full pre building works. The trains are full by the time they get to Paddock Wood so how will the thousands of new people in the new builds get to work on the shortened train service, also they took away the trolley service on the trains.

The building of the retirement buildings behind Barsley's has meant another car park taken away. We have already lost the Barclays Bank and the HSBC Bank in the small high street/ Commercial Road.

The bus service is extremely irregular and very expensive.

They also want to build on the Memorial Park again concreting again for a car park and leaving millions of pounds in debts payable over a huge amount of years.

Why are they placing out of borough, London borough social housing in the Green Lane site when the have approximately 1000 people on the social housing list?

The fields that are being built on had orchards which soaked up excess water after heavy rain and also flooded parts of Paddock Wood pre new builds. Now the fields and orchard are gone the water table and Earth had flooded and they are building these houses on flood zones.

The idea of keeping the country green is a contradiction of cutting down everything on the green spaces and fields, approx it's possible that a paddock wood may have 3000/4000 more cars on the roads making it dangerous for children and adults with asthma, copd, and other lung conditions causing increased harm when the country is meant to be going green. The bottle neck of the Badsall Road housing is opposite a school with over 1200 pupils all walking to school and breathing in the additional car fumes, the babies and toddlers in prams and pushchairs level to the exhaust pipes.

I moved to Paddock Wood 17 years ago for its green spaces and small primary school and later the larger school.

I'm disgusted by the lack of accountability and decision making by the current conservative councillors voting for the developments when they are meant to be working with the local community who do not want this huge amount of housing placed in Paddock Wood and not spread out over Tunbridge Wells.

Why build over 50 percent of the housing in Paddock Wood and even more housing in Tudeley?

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	Norman Heath [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Ashford, [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Norman Heath [REDACTED]
Comment ID	PSLP_949
Response Date	27/05/21 14:17
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Norman Heath
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_949 and PSLP_950]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4.4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus

service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Norman Heath [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED], [REDACTED] Ashford, [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Norman Heath [REDACTED]
Comment ID	PSLP_950
Response Date	27/05/21 14:17
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	HB
Question 1	
Respondent's Name and/or Organisation	Norman Heath
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_949 and PSLP_950]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

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Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance

when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).” Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS “includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it’s appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that “the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End.” Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

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service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Supporting Information File Ref No: SI_72

Comment

Consultee	Emma Heather ()
Email Address	
Address	
Event Name	Pre-Submission Local Plan
Comment by	Emma Heather ()
Comment ID	PSLP_1333
Response Date	04/06/21 16:07
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Web
Version	0.3
Files	flood.jpg
Question 1	

Respondent's Name and/or Organisation	Emma Heather
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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.

The Strategy for Paddock Wood paras 5.230 - 5.245Policy STR/PW 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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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.

Infrastructure

The current plan for building in Paddock Wood is in excess of the scale that the town can cope with. The current building works that have planning permission and are ongoing are just the tip of the iceberg when considering the entirety of the planned building TWBC has in store for Paddock Wood. However there has been little by way of changes to the current infrastructure to enable the town to cope with the current crop. The junction of Badsell road with the A228 and with Maidstone Road is already difficult during rush hour. The Colts Hill roundabout does not cope well with traffic leaving Paddock Wood in the morning rush hour. The additional traffic here from the new developments will exacerbate this issue. The junction at Maidstone Road and Badsell Road (I live on the corner here) is always busy. The morning rush including travel to Mascalls school makes it almost impossible for me to leave my driveway in the morning. The added traffic will only make this worse. In addition the proposed closure of the railway bridge to all but buses will put a heavier burden onto this junction as more people try to leave Paddock Wood via this route. This has not been properly considered by TWBC.

Services

There are limited services within Paddock Wood. The Dentist and woodlands Health Centre are oversubscribed already so the additional houses and occupants will make this worse. There appears to be no plan to improve the town centre for commercial premises; recent additions have been the approval of a nursing home with the removal of some commercial premises, the loss of a food outlet to be replaced by residential block and also a second funeral parlour. This does not equate to making the town centre a place for residents shopping requirements.

Whilst there is mention of the proposed community centre on the memorial field and additional amenities there is no real indication of how these will be implemented and if they will meet with the approval of the local residents.

Flooding

There is a well known ground water flooding issue in Paddock Wood in addition to Tudley Brook bursting its banks. My garden floods whenever there is heavy rain. My property is not in a recognised flood plain and as such it is my view that the building of properties throughout Paddock Wood will cause additional pressure on the current residents as well as those in the new builds without significant flood prevention planning that I do not believe has been carried out.

Question 6

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Infrastructure

It is my belief that the junctions on Badsell Road would not be able to cope with the proposed additional housing and the concomitant increase in traffic no matter what the modifications are. I believe that in order to cope with the current developments the junction at Badsell and Maidstone Road must be modified into a more free flowing junction to prevent congestion build up. I understand that this was part of the proposal for the site opposite however there appears to be no sign of this progressing or that it is a requirement in the local plan.

The railway bridge should not be closed to through traffic, this will prevent the additional pressure on the Badsell Road junction.

Services

I am unsure where the location of these are intended to be. There is no clear requirement or incentive for the developers to allow space for this and the town centre is apparently being filled with residential properties or unnecessary commercial ventures. Without the guarantee that these services can and will be supplied the local plan cannot work and is unsound.

Flooding

I cannot see a way to prevent flooding on a known flood plain in an area where there is a ground water problem. I understand that Southern/South East Water have failed to put the foul water system in place as they had planned. The building work to the South of Paddock Wood has already caused an increase in the flooding to my property and the water is significantly silted. I cannot see a way that the plan can be made sound regarding flooding.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

If you would like to attach a file in support of your comments, please upload it here. [flood.jpg](#)

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_126

Comment

Agent	Mrs Alena Dollimore [REDACTED]
Email Address	[REDACTED]
Company / Organisation	The Rural Planning Practice
Address	South Wing Trinity Road Cirencester GL7 1PX
Consultee	Mr J Henley [REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Mr J Henley [REDACTED]
Comment ID	PSLP_1931
Response Date	04/06/21 15:32
Consultation Point	Policy EN 15 Local Green Space (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_1931_Rural_Planning_Practice_for_Henley_SI_Representation_with_Appendices_Redacted.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	J Henley
Question 2	
Agent's Name and Organisation (if applicable)	The Rural Planning Practice
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 15 Local Green Space

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

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Please see accompanying representations document

[TWBC: the following text is from the representations document. For the full representation with references and appendices, please see supporting documents]

1. INTRODUCTION

1.1. These representations, in respect of the pre-submission version of Tunbridge Wells Borough Council's Local Plan, are made on behalf of our client, Mr Henley.

1.2. This document should be read in conjunction with all previously submitted representations made in respect of designation of the site known as Site 102 – Goudhurst Green Field (North of Church Road) as Local Green Space. For clarity and consistency, we will refer to the site as "Five Fields". Our representations are therefore accompanied by the following documents:

- . Regulation 14 consultation - Representations to Goudhurst NDP Steering Group by Bloomfields (November 2018)
- . Regulation 15 consultation - Representations to TWBC in respect of Goudhurst NDP pre-submission version (February 2021)
- . Site Location Plan

1.3. We are of the opinion that the allocation of Local Green Spaces around Goudhurst is unnecessary due to their location within the High Weald Area of Outstanding Natural Beauty which already provides high level of protection from development.

1.4. In strongest terms possible, we object to the Local Green Space designation of site no. 102 – Five Fields.

2. EXECUTIVE SUMMARY

2.1. Representations are made in respect of the pre-submission draft of Tunbridge Wells Borough Council's Local Plan.

2.2. Emerging Policy EN15 which deals with Local Green Spaces is not consistent with paragraphs 145 and 146 of the NPPF.

2.3. Furthermore, the pre-submission Local Plan makes Local Green Spaces allocations in rural villages where local community has access to open green spaces within minutes. It is demonstrated throughout in this document, that such allocations are not appropriate or necessary.

2.4. Furthermore, it is demonstrated within this document that the methodology for selection of sites is not appropriate as it is based on guidance for densely populated urban areas. Site selection appears to be heavily biased and inconsistent.

2.5. In Goudhurst, the proposed Local Green Spaces allocations effectively creates an area of Green Belt within the village which is contrary to the National Planning Policy Guidance.

2.6. We strongly object to allocation of site known as Five Fields as a Local Green Space. The site does not have qualities required by the paragraph 100 of the NPPF and therefore this allocation should be removed.

2.7. In its current form, the pre-submission Local Plan does not make any housing allocation in Goudhurst, which could respond to the growing local housing need within the plan period. As such, the spatial strategy for the area is neither effective, nor consistent with national policy which demands that Councils support the Government's objective of significantly boosting the supply of homes.

2.8. We are of the opinion that the pre-submission Local Plan is not sound.

3. DRAFT POLICY EN15 - LOCAL GREEN SPACES

3.1. Since November 2018 our client has strongly opposed the allocation of site known as the Site 102 – Five Fields as a Local Green Space. These representations re-iterate this position and outline reasons why the site does not comply with the assessment criteria.

3.2. Paragraph 0151 of the Planning Practice Guidance is clear that Local Green Space ('the LGS') designation should not be proposed as a "back door" way to try to achieve what would, in practice, amount to a new area of green belt by another name.

3.3. It is our case, that the proposed Policy EN15 is not robustly justified, and that the TWBC methodology for selection of sites was not correctly applied in respect of site no. 102 – Five Fields.

3.4. We are of the opinion that the wording of the Policy EN15 is overly restrictive and does not reflect the requirement of paragraph 101 of the NPPF which states that:

"Policies for managing development within a Local Green Space should be consistent with those for Green Belts".

3.5. If the Council is introducing a policy which is to be consistent with policies for managing Green Belts, any such consistency must be fully incorporated in the wording and must respect paragraphs 145 and 146 of the NPPF which provides specific guidance on what types of development are appropriate in the Green Belt.

3.6. However, this is not the case with the draft Policy EN15 which does not mention or incorporate any of the exceptions listed in paragraph 145 of the NPPF, or other forms of development listed in paragraph 146.

3.7. We therefore urge the Council to re-consider wording of the draft policy EN15 as follows:

"A Local Green Space is a designated area of green or open space that is demonstrably special to the local community it serves. Development within Local Green Spaces will be restricted to those types

of development which are deemed appropriate by the relevant Green Belt policies contained within the NPPF”.

Methodology and justification of the draft policy

3.8. Apart from wording of the draft policy itself, we would like to highlight that the methodology employed for selection and assessment of sites is based on, and underpinned by the ‘Accessible Natural Green Space Standards in Towns and Cities: Review and Toolkit for their Implementation’². This document was produced in 2003 in order to assure that people in urban areas have opportunities to experience nature.

3.9. The document follows recommendations made by English Nature that provision should be made of at least 2ha of accessible natural green space per 1,000 population. The English Nature document also recommended an introduction of a tiered system which outlined distances from the nearest area of natural greenspace, and its desired size to serve its purpose as an area of natural green space.

3.10. While a tiered system is appropriate for an assessment of size of natural green spaces in large and densely developed urban areas, it is wholly inappropriate for assessment of size of natural green spaces in small villages that are surrounded by an open countryside.

3.11. We would suggest that Goudhurst as a settlement has a good network of public rights of way (figure 1 below) which assures that open countryside can be accessed within minutes. It is therefore questionable whether the designation of Local Green Spaces within Goudhurst is at all appropriate in this context.

[TWBC: for maps, please see full representation attached as a supporting document]

3.12. TWBC’s methodology clearly states in paragraph 2.6 that **sites with existing protections are to generally be considered sufficiently protected in managing development**. However, in paragraph 2.8 it is stated that:

“The Green Belt, as well as AONB, protection relates to the majority of the borough and so while considering the high level of housing and other needs within the borough, the Council has decided to not exclude considered LGS sites from possible designation (subject to the Council’s designation methodology) already protected by these designations”

3.13. The above statement does not clearly outline the Council’s approach. The sentence is not logical and does not explain why further policy protections are needed.

3.14. We strongly object to any additional levels of protection being imposed on sites which already benefit from protection of national landscape and policy designations, as this overly protective approach is in direct conflict with paragraph 99 of the NPPF, and further conflicts with the NPPG.

Incorrect application of methodology and national guidance

3.15. Apart from the incorrect employment of methodology, we suggest that the Council’s assessment of potential Local Green Spaces sites has been inconsistent and in conflict with its own methodology.

3.16. Appended to these representations is a relevant section of the Local Green Space Assessment (amended version dated February 2021). This document lists all potential sites within Goudhurst Parish.

3.17. Unfortunately, the pre-submission version of policies maps does not include the Local Green Spaces layer. As such, extracts from previous LGS assessment documents are used.

3.18. It is clear from the figure 2 below, that the proposed LGS designations in Goudhurst appear to create large areas which effectively create a ‘green belt’ between two areas of Goudhurst. Such approach is in clear conflict with the paragraph 15 of the Planning Practice Guidance with states that:

*“There are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently **blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.**”* (our emphasis)

[TWBC: for map, please see full representation attached as a supporting document]

3.19. We note that the total of no.17 sites were considered for LGS designation in the area. From these:

- . 2no. sites were assessed as being sufficiently protected by existing national designations and policies (such as Conservation Area and AONB areas);
- . 3no. sites were previously proposed for designation in Reg 18 Draft Local Plan, but in accordance with the revised methodology, were considered sufficiently protected under other national designations and policies (such as Conservation Area);
- . 4no. sites were discounted due to insufficient evidence that they are “*Demonstrably Special*”, two of which were previously proposed for designation in the Reg. 18 Draft Local Plan
- . 8no. sites are considered to satisfy the selection criteria and are proposed for LGS designation in the pre-submission draft Local Plan 3.20.

3.20 There are significant differences and inconsistencies with assessment of individual sites and their compliance with selection criteria. For example:

- . Site no. 97 (St. Mary’s churchyard) has existing local and national designations which protect it from development. It was previously proposed for as an LGS designation, but it is now considered to be sufficiently protected. Despite accommodating a historic churchyard and burial grounds, the site is not noted to be “*demonstrably special*” to the local community.
- . sites heavily used by local community for both formal and informal recreation are not designated as Local Green Spaces, particularly sites AS-23 (Playground adjacent to Back Lane), AS-24 (Chequer Field) and AS-17 (Informal Green Space Adjacent to Bankfield Way).
- . Sites in control of Parish Council which were previously considered for LGS designation are now considered to be sufficiently protected. This could be perceived as a strong bias against the privately owned land seen as being in ‘higher danger of development’
- . Five Fields site is the only privately owned site within the central area of Goudhurst which is proposed to be further ‘protected’ from development, despite already being restricted by its location within Conservation Area, and an AONB.
- . Five Fields site does not allow access for any form of recreational facilities, yet it is to be further restricted by the LGS designation, while other sites which are regularly used for recreational activities are now excluded from the LGS designation

[TWBC: for map and images, please see full representation attached as a supporting document]

3.21. Overall, we are of the opinion that the pre-submission policy EN15 is not robustly justified and not supported by appropriate, and consistent technical evidence.

3.22. Local Green Spaces allocation in smaller settlements such as Goudhurst are unnecessary and inappropriate as the majority of local population does not suffer from the lack of access to green spaces or open countryside.

4. SITE NO. 102 – FIVE FIELDS

4.1. Our client strongly opposes the allocation of this site as a Local Green Space.

4.2. Objections were previously submitted on the grounds that the site does not have qualities which would justify its designation. These are appended to this document (Appendix 2 and 3).

4.3. Paragraph 100 of the NPPF states that LGS designation should only be used where the green space is:

a) *In reasonably close proximity to the community it serves;*

b) *Demonstrably special to a local community and holds a particular local significance for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*

c) *Local in character and is not an extensive tract of land.*

4.4. It is agreed that the site is in close proximity to Goudhurst and that, in this respect, it **complies with criterion a).**

4.5. However, it is strongly disputed that the site is demonstrably special or locally significant as required by criteria b).

Is the site beautiful?

4.6. The site is an agricultural field. It is regularly ploughed to grow feed crops, and for grazing. There are no special features within the site itself which would distinguish it from any other agricultural field in this locality.

4.7. Long-distance views into the surrounding countryside are only available from the footpath which crosses the site (as indicated below). In contrast, the views into the site from the A262 are of no distinguishable quality (figures 3 and 4) and may be blocked entirely should the landowner stop maintaining or replanted the existing, or introduced a new boundary hedge. It is likely that the existing hedge (once fully mature) will enclose the visual openness of the site from the A262.

Is the site historically significant?

4.8. The site forms part of the Goudhurst Conservation Area but is not afforded any special mention as a site of historic significance. The Goudhurst and Kilndown Conservation Area Appraisal (dated June 2006) does not make any specific references to the site itself, or its importance to the setting and the character of the Conservation Area.

4.9. The Conservation Area Appraisal does not support the assertion of “*visually important undeveloped space that contributes to the character/setting and local visual amenity of the settlement*”.

Does the site have a recreational value?

4.10. The PROW crossing the site is regularly used as an alternative pedestrian route between settlements.

4.11. The footpath WC28 forms the northern boundary of the site as seen on the map overleaf (figure 1). However, in practical terms it also separates two fields which have a common ownership and are both used for agricultural purposes.

4.12. As such, no recreational activities are permitted, or indeed possible, within the site itself or the field directly north. This is due to their continuous agricultural use and occasional presence of grazing animals.

4.13. The playing fields used for recreational activities are located elsewhere in the village (sites AS-24, AS-22, AS-19, and sites no. 101 and 98). As mentioned in the paragraph 3.20 overleaf, some of the playing fields have been discounted from the assessment and were not considered to be designated as LGS.

Is the site tranquil?

4.14. The presence of A262 has an undeniable impact on the village as a whole. In fact, the Goudhurst Neighbourhood Plan identifies traffic issues and the growing number of HGV on A262 as an ongoing problem.

4.15. The traffic noise and emissions generated by the passing vehicles can be significant in busy times. This clearly indicates that site within this locality cannot be seen as demonstrably tranquil in character.

Is the site known for its richness of wildlife?

4.16. The site is actively used for agricultural uses and for grazing of sheep. It is regularly ploughed planted with feed crops. The soil is regularly turned over and beet is planted for grazing. As such, the presence of wildlife, or potential of valuable habitats, will be limited by these activities.

4.17. There is no technical evidence presented/available which would demonstrate that the site is rich in wildlife, or that it accommodates valuable habitats.

4.18. Overall, it is concluded that it has not been robustly demonstrated that the site holds any particular local significance which would warrant its designation as LGS. As such, **criterion b) of paragraph 100 of the NPPF is not satisfied.**

4.19. It is acknowledged that the site is local in character, but it is no more local in character than any other agricultural field in the vicinity of the village.

4.20. Furthermore, at approximately 1.05ha in size, the site is of a significant size when compared with other selected sites. It is an extensive tract of land, particularly if combined with the Old Cricket Field (site no. 99) to the west.

4.21. As such the **criterion c) of paragraph 100 of the NPPF is also not satisfied.**

4.22. It is therefore asserted that the designation of the site known as 'Five Fields' does not comply with the criteria of paragraph 100 of the NPPF, and therefore cannot be designated as a Local Green Space.

4.23. Attached to these representations is Council's SHELAA assessment of Five Fields site which was undertaken in 2020. Number of issues and policy layers are clearly stated.

4.24. Overall, the assessment concluded that the site is considered unsuitable as a potential site allocation. The reason given was stated as:

"The introduction of built form in this location would have a significant adverse impact upon the landscape setting, settlement pattern and historic character of the village and surrounding area, located within the AONB."

4.25. It simply cannot be the case that the Council assesses a site as "unsuitable for development", but then proceeds to increase the level of its 'protection' by an additional policy constraint such as LGS designation. Such approach is in direct conflict with paragraph 16 f) of the NPPF which demands the Plans should avoid unnecessary duplication of policies that apply to a particular area. The subject site is already protected by policies relating to Conservation Areas and AONBs.

4.26. It is therefore respectfully requested that the site is **either removed from the LGS** designation all together (as it clearly benefits from a sufficient protection from development), **or that it is acknowledged that the site is suitable for residential development** due to its sustainable and logical location between two built up areas of Goudhurst.

4.27. In any case, the Five Field site is already protected from inappropriate development by national and local policies regarding development in open countryside. Any potential for development is further restricted by the site's location within the High Weald AONB and the Goudhurst Conservation Area both of which offer higher planning policy constraint to development than that of a Local Green Space policy which has to be consistent with Green Belt ones.

5. ACHIEVING SUSTAINABLE DEVELOPMENT IN GOUDHURST

5.1. Section 3 of the National Planning Policy Framework is concerned with plan-making and provides comprehensive framework, including clear guidance on how both strategic and non-strategic are to be prepared.

5.2. Paragraph 15 of the National Planning Policy Framework states that *"The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and platform for local people to shape their surroundings."* (our underlining)

5.3. Paragraph 16 specifies that Plans should:

- a) *Be prepared with the objective of contributing to the achievement of sustainable development;*
- b) *Be prepared positively in a way that is aspirational be deliverable;*
- c) *Be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;*
- d) *Contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;*
- e) *Be accessible through the use of digital tools to assist public involvement and policy presentation;*
and
- f) *Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)*

5.4. Firstly, we note that the pre-submission Local Plan does not seek to achieve sustainable development in Goudhurst area. It does not direct development within the Parish to appropriate or sustainable locations, but simply amends the existing development boundary to include recently permitted development.

5.5. We have previously raised our objection to the Goudhurst Neighbourhood Plan which also fails to make any allocations to accommodate new housing, and which simply defers to the Tunbridge Wells Borough Council to do so. However, the pre-submission draft Local Plan fails to provide for any new housing within Goudhurst Parish over the plan period.

5.6. As a result, the pre-submission Local Plan appears to have no aspiration to support local housing for future generation, or for its own ageing population.

5.7. As indicated in Table 4 (distribution of housing allocations) (page 42), only 25no. dwellings are allocated in Goudhurst over the Plan period. All of the 25no. dwellings are to be delivered imminently at sites known as Land at Triggs Farm (LPA Ref.: 17/02765/OUT and PINS Ref.: APP/M2270/W/18/3196553) and Land east of Blacombes Hill (LPA Ref.: 19/00280/F).

5.8. We note that the dwelling mix resulting from the above permissions will deliver only 10no. smaller dwellings, and both deliver policy compliant affordable housing provision. However, once these permissions are implemented, no further development is planned within this area until 2038.

5.9. Goudhurst NDP Steering Group have identified the need for 18no. affordable houses, and 22no. small market homes, noting that there is an imbalance in the local housing stock which will need to be managed to meet current and future demand.³ However, there is no provision within the pre-submission draft Local Plan to deliver such units.

5.10. Goudhurst village has a post office, convenience store, cafes and specialist shops. There are several pubs in the village, as well as a primary school, doctors' surgery and pharmacy. Further need for community learning and primary education facilities have been identified, as was need for improvements for existing medical facilities.

5.11. However, without further development sites being allocated in the village, the possibility of securing sufficient amount of developer contributions to improve the existing facilities, or provision of new ones (as outlined in the emerging policy PSTR/GO1) will be negligible.

5.12. As such, we would suggest that the spatial strategy and emerging policies for Goudhurst area are in direct conflict with paragraphs 61, 62 and 63 of the NPPF.

5.13. In this context, we would suggest that the "Five Fields" site should be considered as a potential residential development site which could deliver well designed units satisfying the local identified need for smaller and affordable units.

5.14. The site could also be suitable as an exception site for delivery of affordable housing in various forms/tenures, including the newly introduced First Homes initiative.

6. PLAN MAKING – TESTS OF SOUNDNESS

6.1. In order to formally adopt the Tunbridge Wells Borough Council Local Plan its policies must contribute to the achievement of sustainable development. This means that the Local Plan needs to deliver three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways.

6.2. These objectives – economic, social and environmental – should, according to paragraph 9 of the NPPF, be delivered through the preparation and implementation of plans and application of the policies in the NPPF.

6.3. The pre-submission draft Local Plan is a strategic plan and as such it is vitally important that the plan is sound. Paragraph 35 of the NPPF states that Plans are '*sound*' if they are:

- . *positively prepared,*
- . *justified,*
- . *effective, and*
- . *consistent with national policy.*

6.4. In its current form the pre-submission draft Local Plan cannot be considered to be sound.

Is the Plan positively prepared?

6.5. We note that while the Plan is attempting to divert development away from the AONB area. Majority of proposed residential development is located in areas outside the AONB, and strategic allocation are secured by releasing land within the Metropolitan Green Belt.

6.6. While we generally support the protection of AONB, we are of the opinion that insufficient land for housing is provided within sustainable settlements such as Goudhurst.

6.7. The Goudhurst NDP Steering Group clearly identified that the existing Goudhurst population is ageing with the number of residents of over 65 rapidly increasing. At the same time, it was acknowledged that the Parish has a large proportion of detached dwellings and that there is a growing need to provide

smaller and more affordable housing options to support younger families and for those who wish to downsize. However, the TWBC Local Plan does not make any allocations for such development to take place over the plan period.

6.8. We highlighted in section 3 above, that the pre-submission draft Local Plan introduces unnecessary policy level in form of Local Green Spaces designations (Policy EN15) of sites which are already sufficiently protected by other local and national policies. This clearly conflicts with all criteria of paragraph 16 of the NPPF.

6.9. Paragraph 100 of the National Planning Policy Framework is clear that any such designation should only be used where the green area concerned is not an extensive tract of land. Furthermore, the National Planning Practice Guidance further specifies that LGS should not create new areas of 'green belt' by another name. Consequently, the designation of open countryside adjacent to Goudhurst settlement – particularly sites no. 99 (The Old Cricket Pitch) and no. 102 (Five Fields) - is neither appropriate nor acceptable.

6.10. Furthermore, the wording of pre-submission policy EN15 is not consistent with wording of paragraphs 145 and 146 of the NPPF which specify which development is and would be appropriate within Green Belt. As such, the current wording of the policy is not clear and is highly ambiguous and overly restrictive.

6.11. Throughout our representations we highlighted numerous instances how the pre-submission Local Plan policies fails to positively plan for identified needs of Goudhurst Parish, and fails to boost housing delivery in line with requirement of paragraph 59 of the NPPF.

Is the TWBC Local Plan justified?

6.12. As discussed throughout our representations, the pre-submission draft Local Plan Policy EN15 is not based on appropriate methodology.

6.13. The assessment of sites is inconsistent with the methodology selected. As such, we are of the opinion that this Policy is not robustly justified.

6.14. Furthermore, insufficient justification is provided to explain the Plan's lack of housing allocations in Goudhurst to allow for housing and economic growth over the entire length of plan period.

Is the TWBC Local Plan effective?

6.15. To be effective, the Local Plan has to be deliverable over the plan period and be based on effective joint working on cross boundary strategic matter that have been dealt with rather than deferred.

6.16. We note that no strategy is in place to respond to increasing demand for smaller and affordable housing in Goudhurst Parish over the plan period.

6.17. Furthermore, we suggest that in its current form the pre-submission Local Plan is only effective in preventing sustainable development in Goudhurst. Designation of sustainable sites which are well related to the settlement as Local Green Spaces will sterilise the village and only exacerbate existing housing imbalance. As such further sites for housing and economic development should be found.

Is the TWBC Local Plan consistent with national policy?

6.18. It has been highlighted throughout this document that the pre-submission draft Local Plan fails to boost the supply of housing, including affordable housing, in villages such as Goudhurst. As such, the document is in direct conflict with requirements of paragraphs 59, 60, 61, 62 and 63 of the National Planning Policy Framework.

6.19. Failure to allocate any sites for housing is also in direct conflict with paragraphs 68, and 69 of the NPPF which highlight that small and medium sites can make an important contribution to meeting the housing requirement of an area, and that neighbourhood groups should consider allocating such sites in their areas.

6.20. It is most disappointing that instead of providing space for both economic and housing growth on sites which could be sustainably located close to the existing settlement boundaries, the pre-submission Local Plan only copies the Goudhurst NDP Local Green Space designations of large swathes of land, effectively creating an area of Green Belt around the village.

6.21. It is strongly asserted that the designation of Five Fields site as an LGS is contrary to paragraph 100 of the NPPF as the site does not comply with the designation criteria. Such approach is not only

in conflict with the national planning policy (paragraphs 99 and 100), but also creates unnecessary layers of policy which are neither justified nor effective.

7. CONCLUSION

7.1. Our representations clearly demonstrate that the pre-submission version of the Tunbridge Wells Borough Council Local Plan is not positively prepared, as prohibitive policies are introduced which add unnecessary layers of policy to prevent development of sites that could otherwise be suitable for development.

7.2. Local Green Spaces designations within the High Weald AONB are unnecessary and inappropriate as the level of protection afforded by the Local Green Space designation is lower than that of existing local and national policies.

7.3. In its current form the emerging Policy EN15 is not justified as the methodology is based on inappropriate technical evidence, and assessment of sites is inconsistent with national criteria. It also appears to focus the LGS designations in Goudhurst on sites in private ownership to prevent future development on these sites.

7.4. We object, in the strongest possible terms, to the LGS designation of site no. 102 – Five Fields. The site clearly does not comply with criteria b) and c) of paragraph 100 of the NPPF and therefore its allocation is not justified and should be immediately removed.

7.5. As demonstrated in throughout, the emerging Local Plan is not positively prepared. Robust justification needs to be presented to support its policies. The plan is not effective, and if adopted in its current form, it will result in unnecessary confusion for the future decision makers.

We trust that that our comments are of assistance and await confirmation of receipt of our representations in due course.

8. APPENDICES

8.1. Regulation 14 consultation - Representations to Goudhurst NDP Steering Group by Bloomfields (November 2018)

8.2. Regulation 15 consultation - Representations to TWBC in respect of Goudhurst NDP pre-submission version (February 2021)

8.3. Site Ref. DPC 24 - SHELAA Assessment - January 2021

8.4. Extract from Local Green space Assessment - February 2021

[TWBC: for appendices, please see full representation attached as a supporting document]

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this 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.

Wording of emerging policy EN15 does not comply with paragraphs 145 and 146 of the NPPF

Please see the accompanying documents for details

[TWBC: the following extracts are from the representation document, for the full representation please see supporting documents]

3.4. We are of the opinion that the wording of the Policy EN15 is overly restrictive and does not reflect the requirement of paragraph 101 of the NPPF which states that:

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”.

3.5. If the Council is introducing a policy which is to be consistent with policies for managing Green Belts, any such consistency must be fully incorporated in the wording and must respect paragraphs 145 and 146 of the NPPF which provides specific guidance on what types of development are appropriate in the Green Belt.

3.6. However, this is not the case with the draft Policy EN15 which does not mention or incorporate any of the exceptions listed in paragraph 145 of the NPPF, or other forms of development listed in paragraph 146.

3.7. We therefore urge the Council to re-consider wording of the draft policy EN15 as follows:

“A Local Green Space is a designated area of green or open space that is demonstrably special to the local community it serves. Development within Local Green Spaces will be restricted to those types of development which are deemed appropriate by the relevant Green Belt policies contained within the NPPF”.

4.26. It is therefore respectfully requested that the site is **either removed from the LGS** designation all together (as it clearly benefits from a sufficient protection from development), **or that it is acknowledged that the site is suitable for residential development** due to its sustainable and logical location between two built up areas of Goudhurst.

5.12. As such, we would suggest that the spatial strategy and emerging policies for Goudhurst area are in direct conflict with paragraphs 61, 62 and 63 of the NPPF.

5.13. In this context, we would suggest that the “Five Fields” site should be considered as a potential residential development site which could deliver well designed units satisfying the local identified need for smaller and affordable units.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

We wish to participate during sessions which are considering the emerging policy EN15, as well as sessions which will be considering the spatial strategy of Goudhurst

If you would like to attach a file in support of your comments, please upload it here. [PSLP 1931 Rural Planning Practice for Henley SI Representation with Appendices Redacted.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Emma Hewage [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Emma Hewage [REDACTED]
Comment ID	PSLP_1362
Response Date	04/06/21 16:56
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Emma Hewage
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at east CapelPolicy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I am a resident of neighbouring Tonbridge & Malling and have lived in north Tonbridge for the last seven years. During this time I have gotten to know the areas that will be impacted by these policies well and appreciate their immense natural beauty and biodiversity as well as understanding some of the challenges that are already present: namely frequent and severe winter flooding as well as rat-running along small, windy country lanes. I have read arguments that much of the land is agricultural, heavily sprayed and therefore does not support wildlife, but this isn't true. The many trees in the fruit orchards are home to large numbers of overwintering redlist birds, the summer arable fields are frequented by significant numbers of nesting skylarks and the Medway Valley is an incredible wildlife corridor, which is enhanced by adjacent lakes created by past quarrying, ancient woodland (laden with wildflowers such as English bluebells, wood anemones) and hedgerows.

I believe the proposed draft plan is unsound on many levels and am most concerned by the loss of greenbelt / productive farmland, the adverse impact on the AONB, increased traffic and knockon effects on neighbouring Tonbridge. The impact of several thousand more cars commuting to and from Tonbridge's schools and to the railway station should not be underestimated. Already in the 7 years since I've lived here the time to drive along Hadlow Road to Tonbridge Station / schools has increased from 6 mins to 20 mins or more during the morning peak. This is pre-pandemic, but seeing as we don't yet know the long-term impact to working patterns I will stick to this as my frame of reference and without factoring in the impact of Tonbridge's own local plan - which will add many more houses to the town.

It is also my belief that this proposed development will do nothing to address the UK's housing crisis, it will merely create a new dormitory settlement that locks families into using their cars and to long commutes to London to generate the level of income which will be needed to afford mortgage payments on the types of homes which will be built. It will remove valuable agricultural land at a time when it's likely that food insecurity will increase and pave over more of our irreplaceable green space.

I think the proposed development is an opportunistic, ill-considered, lazy plan which TWBC have grasped onto because of its convenience, without rigorously and properly investigating alternatives which would be better served by existing infrastructure.

Building on this scale here will deprive everyone of immensely valuable natural assets and I do not believe the plan has been developed with appropriate input from local people. Neither do I believe that it is based on current figures of housing need. My opinion is that TWBC assumes everyone hates development, so they might as well pick one almighty fight in one place, then battle lots of communities over several 500 home developments around existing towns and villages. But this means they're not really interested in consultation. It's been presented as a fait accompli with anyone who objects portrayed as a NIMBY or anti-development. I am neither of these things.

People need good quality, affordable homes and they need clean air, food, and a healthy ecosystem. We need to stop making this binary and instead use the constraints of limited space and incomes to come up with truly innovative solutions to the UK's housing crisis, not just continue building housing

estates on green fields because it's easy - we've been doing this for decades and the evidence is that it's not the right solution.

Returning to the theme of consultation, it is my view that the exercise conducted in summer 2020 by the Hadlow Group was highly disingenuous. I registered, but declined to complete the survey as, having experience of marketing and research projects, I felt the survey was deliberately set up to create an illusion of favourable support from the local community for the options presented.

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.

This is utter nonsense. Building on this scale on pristine, unspoiled greenbelt can not possibly be construed as in any way sustainable. It is entirely at odds with the climate crisis and I believe it's irresponsible.

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 Linda Hewings [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] [REDACTED] Five Oak Green [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Linda Hewings [REDACTED]
Comment ID	PSLP_429
Response Date	26/05/21 13:08
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	

Respondent's Name and/or Organisation	Linda Hewings
Question 3	

To which part of the Local Plan does this representation relate?	Policy
--	--------

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR/SS3

Question 4

Do you consider that the Local Plan:

Is sound	No
----------	----

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Having been a resident of Five Oak Green for 7 years, living on the B2017, I am greatly concerned that the proposed development of Tudeley Garden Village will result in a significant uplift in the volume of traffic on this rural road. Bus provision is very limited, cycling along the B2017 is extremely dangerous and there is no pavement or path for walkers apart from in the village itself. The B2017 is designated 'Unsuitable for Heavy Goods Vehicles' so unless new roads (with Provision for walkers and cyclists) are fully constructed before any building starts it will spell disaster for the area. At present most of the village children can walk to school along the B2017 but increased air pollution will enganger their health and development, as has now been proven in London.

As there is now hard evidence of Global Warming and climate change we, as a nation, should be doing everything in our power to put a halt to this. This massive development proposed for Tudeley will see Green Belt land devastated, flood plains built upon and much needed quality farmland destroyed. Whilst there is obviously a need for new housing, this would be better sited near existing amenities where there is already infrastructure in place. There are a number of Brownfield and other under used sites in the borough that should be utilised before considering ripping up precious Green Belt land.

If the new proposed development goes ahead, it will not serve the needs of the local population, but would attract residents from London seeking to get 'more for their money'. Rail commuters in this area already face the prospect of standing all the way to the city and my understanding is that Tonbridge station is near capacity with no prospect of increasing this.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_138

Comment

Agent	Jack Harley ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	([REDACTED])
Company / Organisation	Heyworth Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Heyworth Properties Ltd ([REDACTED])
Comment ID	PSLP_2034
Response Date	04/06/21 11:30
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Heyworth Properties-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Heyworth Properties 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 into Policy STR/CRS1 (PSLP_2032), Vision and Strategic Objectives (PSLP_2034) and Policy STR1 (PSLP_2036)]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Heyworth Properties Ltd in respect of the Tunbridge Wells Borough Council Regulation 19 pre-submission Local Plan consultation.

1.1.2 Heyworth Properties Ltd have an option and "promotion agreement" on the land at Quaker Lane, which was allocated within the Reg 18 Draft Local Plan, but not carried forward within the Reg 19 Local Plan. This is a matter in which we return to. The land is owned by KCC and the County Authority are looking to replace the existing nursery building/facility and to generate a capital receipt for re-investment in other facilities locally.

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[TWBC: for Figure 1: Site Location (Courtesy of Kent Design Partnership) see full representation attached]

1.1.4 The 2.3hectare site is located some 630 metres to the north of the centre of Cranbrook, with residential development to the north and west, a school to the south and school sports fields to the east. The site appears as part of the somewhat "sub-urban" character of this part of Cranbrook and is a very natural extension to the settlement that can be achieved without material harm to the character and appearance of the AONB.

1.1.5 The surrounding area to the north contains the Cranbrook Rugby Club and beyond that open agricultural land. To the south lies the main built-up area of Cranbrook.

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1.1.8 We also take this opportunity to comment on wider aspects of the Local Plan, a plan which we consider fails the tests of "soundness".

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1.3 Vision and Strategic Objectives

1.3.1 The pre-submission plan is underpinned by a "vision and strategic objectives". The vision states:
[TWBC: PSLP Vision wording has been duplicated here - see full representation attached]

1.3.2 In order to deliver the vision the plan sets a number of strategic objectives:

[TWBC: PSLP Policy Strategic Objectives wording has been duplicated here - see full representation attached]

1.3.3 Response

1.3.4 Our client supports the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes.

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Supporting Information File Ref No: SI_138

Comment

Agent	Jack Harley ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	([REDACTED])
Company / Organisation	Heyworth Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Heyworth Properties Ltd ([REDACTED])
Comment ID	PSLP_2036
Response Date	04/06/21 11:30
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	DHA Planning for Heyworth Properties-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Heyworth Properties 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 1 The Development Strategy

[TWBC: the full representation attached has been divided into Policy STR/CRS1 (PSLP_2032), Vision and Strategic Objectives (PSLP_2034) and Policy STR1 (PSLP_2036)

Question 4a

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1.4 Development Strategy and Strategic Policies (Policy STR1)

1.4.1 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

1.4.2 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

1.4.3 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.4.4 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.4.5 At Regulation 18 stage the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version and as such

requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: PSLP Figure 5 Key Diagram has been duplicated here - see full representation attached]

1.4.6 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: PSLP Policy STR1 wording has been duplicated here - see full representation attached]

1.4.7 In terms of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.4.8 Cranbrook is said to be an attractive, vibrant rural town located within the High Weald AONB in the eastern part of the borough. The local architecture and features, such as the Cranbrook Windmill and nearby Sissinghurst Castle, give it a distinctive character. Cranbrook also benefits from a good range of independent shops, a supermarket, secondary schools, a sports centre, and other local services and facilities.

1.4.9 Cranbrook and Hawkhurst both provide a range of services for their surrounding rural areas. They may grow in line with maintaining their roles, but this needs to be very sensitive to the high quality of their natural and built environments, as highlighted by their setting within the High Weald AONB and the conservation area designations of their historic cores.

1.4.10 The full proposed distribution of development is set out below.

[TWBC: PSLP Table 4 Distribution of housing allocations has been duplicated here - see full representation attached]

Response

1.4.11 Our client agrees that TWBC is capable of meeting its need in full and support this approach to plan-making.

1.4.12 In respect of the wider strategy, our client supports the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area.

1.5 AONB Release

1.5.1 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.5.2 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and (3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.5.3 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.5.4 With the above criteria in mind, our clients consider there to be clear evidence of an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the

previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.5.5 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.5.6 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

- Ancient Woodland (approximately 16% of the borough)- Circa 60 Local Wildlife Sites (approximately 11% of the borough)- Ten Sites of Special Scientific Interest (SSSI)- Five Local Nature Reserves (including one Community Woodland)- One Regionally Important Geological Site, at Scotney Castle Quarry.

1.5.7 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.5.8 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.5.9 Given the above constraints, planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the AONB is patently met and with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.6 Housing Delivery

1.6.1 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.6.2 It is a fact that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about whether a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.6.3 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area. Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for Housing completion rates 2010 to 2015 see full representation attached]

1.6.4 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times.

1.6.5 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: for Housing completion rates 2015 to 2020 (statement of common ground) see full representation attached]

1.6.6 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.6.7 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents.

1.6.8 Taking Paragraph 68 of the NPPF into account, which is clear that small and medium sized sites make an important contribution to meeting the housing requirements of an area and are often built out quickly, we consider the site in discussion needs to be carefully considered, especially when noting the LPA's shortfall of housing delivery.

1.7 Case for the Site

1.7.1 The site was allocated within the Tunbridge Wells draft Local Plan (August 2019) for residential development (Policy AL/CRS 5), 'providing 35-45 dwellings, replacement children's nursery, and safeguarding of land for future primary school expansion'.

1.7.2 While we note that the site was recently removed at Regulation 19 stage, we understand that this was solely due to concerns in respect of an assessment that access arrangements could give rise to a harmful visual impact and erode the sylvan quality of Angley Road.

1.7.3 Planning application ref: 21/00519/FULL was submitted 25th February 2021 and notwithstanding the recent refusal we consider that the proposal as presented can be delivered without material harm to the AONB.

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Supporting Information File Ref No: SI_138

Comment

Agent	Jack Harley ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	- Maidstone -
Consultee	([REDACTED])
Company / Organisation	Heyworth Properties Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Heyworth Properties Ltd ([REDACTED])
Comment ID	PSLP_2032
Response Date	04/06/21 11:30
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	DHA Planning for Heyworth Properties-full representation.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Heyworth Properties Ltd
Question 2	
Agent's Name and Organisation (if applicable)	DHA Planning
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

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Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

[TWBC: the full representation attached has been divided into Policy STR/CRS1 (PSLP_2032), Vision and Strategic Objectives (PSLP_2034) and Policy STR1 (PSLP_2036)]

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Comment

Consultee	Rosemarie Hicken [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Rosemarie Hicken [REDACTED]
Comment ID	PSLP_1251
Response Date	04/06/21 12:10
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	Rosemarie Hicken
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

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- . 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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These comments apply to both STR/SS1 and STR/SS3 but have been submitted separately to ensure they are applied to both.

My initial comment is to express my disgust at the cavalier attitude displayed by TWBC to the residents of Capel and the surrounding area by utterly ignoring the overwhelming 97% opposition to the plan at Reg18 stage. So much for democracy and listening to the concerns of local people. TWBC is seeking to force Capel Ward - one out of 20 in the Borough, to take 51% of the housing target where the need for this amount of housing in the area has not been demonstrated.

The development in East Capel is part of the supersizing of Paddock Wood but this allocation is entirely on a flood plain.

With reference to the Green Belt, the whole point of this was to prevent urban sprawl but this plan is designed to drive a coach and horses through that. The extension of Paddock Wood in Capel Parish will see development adjacent to the A228. The B2017 from the roundabout to Five Oak Green contains ribbon development so the new development will cause coalescence of what were previously 2 separate built areas, exactly what the Green Belt was designed to avoid. There is no evidence of NEED for housing on this scale in this area. On March 3rd 2021 the Prime Minister answered a question from Mike Wood, Conservative MP for Dudley South regarding development and the Green Belt to which he replied "Indeed, Mr Speaker, we will protect our green belt, our vital green belt, and which constitutes, I think, 12.4% of our land, but we can build our homes, as my Right Honourable friend rightly suggests, 300,000 of them on brownfield sites across the country". As far as I can see, TWBC has not demonstrated that the exceptional circumstances required to justify development of the Green Belt exist. TWBC are blighting this part of the borough by dumping 50% of their housing target in one ward, ignoring the brownfield sites which are available and re-purposing of empty buildings. The cinema site in the centre of Tunbridge Wells has been derelict for years and there are numerous empty buildings in the Town Centre which could be re-purposed.

Biodiversity – bland statements about net gains for biodiversity. How on earth do you replace hundreds of years of nature building habitats for flora and fauna by planting a few urban street trees and sticking in a few green wedges. The whole concept is laughable except I see nothing to laugh about. I know just from what I see in my own garden, that this area is home to protected species – native slow worms, grass snakes, common lizards etc., never mind all the birds and mammals and yet ancient woodlands are seen as disposable by this Council. How does the removal of woodland help the fight against climate change and improvement in air quality. Planting new trees will not be effective in this respect for many years to come.

New roads are proposed, a link road to the new Tudeley town and a Colts Hill by-pass which will take up more farmland. I struggle to understand why good quality farming land both for the Colts Hill bypass and Tudeley new town is considered suitable for housing. Surely the aim of reducing our carbon footprint is better served by growing food locally. Once you have destroyed this land it cannot be returned to food production.

Provision of suitable housing – when left to developers, profit is king. The big expensive houses they want to build do not fulfil the needs of the community and will they sell? There are two new 4 bed detached houses in Five Oak Green which took nearly 2 years to sell. If the demand was there, why have they not sold? Is it perhaps because at £850k we can't afford them?

When the time comes in the not too distant future when I want to move into more suitable accommodation, I want a small affordable bungalow in the local area, something which is in very short supply and unlikely to be provided by these new developments. The overpriced retirement apartments with their no doubt high service charges which are springing up all over Tunbridge Wells are something I shall never consider buying.

Affordable housing is not something that developers want to provide, the need cannot be met by the market because it does not provide the profits required.

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	Rosemarie Hicken [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Rosemarie Hicken [REDACTED]
Comment ID	PSLP_1243
Response Date	04/06/21 11:40
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Rosemarie Hicken
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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My initial comment is to express my disgust at the cavalier attitude displayed by TWBC to the residents of Capel and the surrounding area by utterly ignoring the overwhelming 97% opposition to the plan at Reg18 stage. A record number of comments were received at this stage (1174 comments from 804 people) objecting to the Garden village strategy but these have simply been brushed aside. So much for democracy and listening to the concerns of local people. TWBC is seeking to force Capel Ward - one out of 20 in the Borough, to take 51% of the housing target where the need for this amount of housing in the area has not been demonstrated.

When the Issues & Options document was prepared and issued for consultation, the majority of responses favoured a growth corridor approach over the garden village concept. The site at Castle Hill which has been put forward for development fits with the growth corridor approach and is more relevant now that the £200 million Kingstanding Way Business Park has been given the go ahead. It benefits from being adjacent to the A21 unlike the Tudeley development which is on the B2017. This site is also more suitable as it is closer to a main line station - High Brooms as opposed to Paddock Wood or Tonbridge. The architects of Tudeley new town optimistically include a station but Network Rail have not stated that they have any plans to provide one.

With reference to the Green Belt, the whole point of this was to prevent urban sprawl but this plan is designed to drive a coach and horses through that. Putting in a new town at Tudeley and the extension of Paddock Wood in Capel Parish by releasing Green belt land will open the door to further development. The Garden of England will rapidly become the back yard of London as there is no evidence of NEED for housing on this scale in this area. On March 3rd 2021 the Prime Minister answered a question from Mike Wood, Conservative MP for Dudley South regarding development and the Green Belt to which he replied "Indeed, Mr Speaker, we will protect our green belt, our vital green belt, and which constitutes, I think, 12.4% of our land, but we can build our homes, as my Right Honourable friend rightly suggests, 300,000 of them on brownfield sites across the country". As far as I can see, TWBC has not demonstrated that the exceptional circumstances required to justify development of the Green Belt exist. They have merely taken the easy route of accepting the offer of land from one landowner to dump 50% of their housing target in one ward, ignoring the brownfield sites which are available and re-purposing of empty buildings. The old cinema site in the centre of Tunbridge Wells which has been derelict for years being a prime example.

Biodiversity – bland statements about net gains for biodiversity. How on earth do you replace hundreds of years of nature building habitats for flora and fauna by planting a few urban street trees and sticking in a few green wedges. The whole concept is laughable except I see nothing to laugh about. I know just from what I see in my own garden, that this area is home to protected species – native slow worms, grass snakes, common lizards etc., never mind all the birds and mammals and yet ancient woodlands are seen as disposable by this Council.

New roads are proposed, a link road to the new Tudeley town and a Colts Hill by-pass which will take up more farmland. I struggle to understand why good quality farming land both for the Colts Hill bypass and Tudeley new town is considered suitable for housing. Surely the aim of reducing our carbon

footprint is better served by growing food locally. Once you have destroyed this land it cannot be returned to food production.

Provision of suitable housing – when left to developers, profit is king. The big expensive houses they want to build do not fulfil the needs of the community and will they sell? There are two new 4 bed detached houses in Five Oak Green which took nearly 2 years to sell. If the demand was there, why have they not sold? Is it perhaps because at £850k we can't afford them?

When the time comes in the not too distant future when I want to move into more suitable accommodation, I want a small affordable bungalow in the local area, something which is in very short supply and unlikely to be provided by these new developments. The overpriced retirement apartments with their no doubt high service charges which are springing up all over Tunbridge Wells are something I shall never consider buying.

Affordable housing is not something that developers want to provide, the need cannot be met by the market because it does not provide the profits required.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many sites have been put forward for housing in the area which have been rejected by the Council in their pursuit of a single strategy of building on the farmland around existing built areas. The housing targets need to be distributed across the borough to serve the needs of local people not to provide relatively lower cost housing to the residents of London and Sevenoaks.

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	Stephen Hicks ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge TN12 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Stephen Hicks ([REDACTED])
Comment ID	PSLP_2002
Response Date	04/06/21 13:05
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (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	Stephen Hicks
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/PW 1 The Strategy for Paddock Wood	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	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

Question 5

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Page 167-168 mention infrastructure. The current three developments are proceeding however the plans around water infrastructure / flood control have not been closed out. I believe that discussions with the water company were not effectively closed out before the start of building. Given the well-known issues with flooding in areas of Paddock Wood, the infrastructure plan must be reviewed and a consolidated plan of works put in place before any further works (or phases of build) are allowed. The situation that has been allowed to develop indicates roles and responsibilities (and accountability) for the successful execution of a full remediation with the water company and building firms need urgently reviewed.

Question 6

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The infrastructure work (water – waste – flood prevention) needs to be completed prior to any further work being allowed. The work must not utilise existing pipework given it is not “fit for purpose” and needs resolving prior to any further build work commencing.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In terms transport, previously the rail firms had considered having trains run “fast” and not stop at stations such as Paddock Wood. This would have a serious impact on sustainability. It would also suggest that potential new stations at Capel would not be a serious option.

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_75a-b

Comment

Consultee	Ms Claire Tester ([REDACTED])
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit (Ms Claire Tester [REDACTED])
Comment ID	PSLP_1434
Response Date	04/06/21 13:10
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.9
Files	PSLP_1434_High Weald AONB_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation High Weald AONB Unit

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

<input type="checkbox"/>	It is not justified
<input type="checkbox"/>	It is not consistent with national policy

Question 5

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HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

2.0 The High Weald AONB

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

5.0 Major Development in the High Weald AONB

The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm	employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
apartments	AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/BM1 Maidstone Road, Brenchley	45 dwellings	AL/PE1,2&3 Pembury
	210-220 dwellings	Total
903-936 dwellings		

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
 - AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
 - AL/PE1,2&3 Pembury 210-220 dwellings
 - **Total**
- 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

The Impact of Major Development on the AONB

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

Landscape and Visual Impact Assessment

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

6.0 Development in the Setting of the AONB

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase

in air pollution arising from the above;• Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.

[TWBC: see supporting document attached]

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.

Reduction in overall housing figure to reflect the need to limit development due to the high proportion of the Borough in the AONB and the deletion of all major development sites in the AONB.

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 advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_75a-b

Comment

Consultee	Ms Claire Tester ()
Email Address	
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit (Ms Claire Tester)
Comment ID	PSLP_1438
Response Date	04/06/21 13:10
Consultation Point	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook (View)
Status	Processed
Submission Type	Email
Version	0.8
Files	PSLP_1438_High Weald AONB_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
	Policy AL/CRS 3 Turnden Farm, Hartley Road, Cranbrook
Question 4	
Do you consider that the Local Plan:	

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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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.

HWAONB Unit Representation on AL/CRS3 for 164-168 additional dwellings at Turnden Farm, Hartley Road, Cranbrook

1.0 Introduction

1.1 The principle of major development in the AONB is discussed in the AONB Unit's submission on STR1 – The Development Strategy – and is not repeated here. This submission focuses on the Landscape and Visual Impact Assessment carried out on potential major development sites in the AONB and the specific impacts of the proposed allocation at Turnden.

2.0 Landscape and Visual Impact Assessment

2.1 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB, including the site at Turnden. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

2.2 Appendix B to the AONB Unit's submission on STR1 identifies the detailed concerns with this work. The concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

2.3 In relation to the Turnden site, the assessment emphasises perceived negative traits but fails to acknowledge the following positive features:

- The variety and quality of birdsong and the perception of rural tranquillity experienced by users of the footpath through the site;
- The extensive long views from the footpath out to the Greensand ridge over 10 miles away;
- The valuable relatively undisturbed nature of the soils and species diversity of the grassland.

2.4 Unsubstantiated claims are made about the Turnden site such as:

- 'the proposals are in keeping with Cranbrook's existing settlement pattern';
- 'the proposals would result in a significant increase in woodland cover';
- 'the proposed development has the potential to

open up access to new areas of the AONB' (even though a footpath already exists providing public access across the site, part of a well- used circular walk from the village).

2.5 Benefits are claimed without a balancing view of what will be lost. For example, new woodland screening would be 'beneficial' for people using the rights of way when, in reality, the planting will obscure sweeping views across the site and out to the Greensand ridge over 10 miles distant. Similarly, new woodland and wildflower meadow would 'replace disused pony paddocks' when the pony paddocks already have a range of species supporting a wealth of invertebrates, birds, bats, amphibians and mammals.

2.6 The negative adjectives appear again in the conclusions along with claims of unsubstantiated benefits. Unsurprisingly, the conclusion is that development would not result in significant effects.

2.7 The cumulative effects of CRS 4 (Turnden) in conjunction with the adjacent Brick Kiln Farm allocation are not analysed but, nevertheless, a conclusion is reached. The effects are described as 'detrimental or beneficial' and not likely to be significant adverse if the designs are linked (para 6.6.7.4). It is hard to see how a neutral evaluation could come to this conclusion about the impact of 400+ houses and associated access/ parking on a small-scale medieval landscape. This is an example of a narrative constructed with an ideological bias in favour of development.

3.0 The Landscape Character of the Turnden Site

3.1 The High Weald AONB is a nationally important landscape because of the high survival of ancient countryside and its associated rich natural environment across a large area. The pattern of this small-scale landscape has changed very little over the last 700 years; it is one of the best surviving medieval landscape in North West Europe. It should be recognised that the traditional separation in planning between landscape and heritage issues is not appropriate in the context of the High Weald where the historic character and cultural heritage is an intrinsic element of its landscape quality.

3.2 The setting of Cranbrook in which Turnden lies is typical of the AONB with individual family farms surrounded by small fields, hedges and woodlands. Some of the oldest human-made features are the routeways, including the droveway, now Hartley Road, which were in use from the early medieval period and are likely to pre-date the pastures, or Jutish 'dens', from which Turnden took its name. The ancient nature of Hartley Road is indicated by map evidence and on the ground through the remains of banks supporting ancient woodland indicator species such as Wood anemone. Turnden was first mentioned in the written records in 1232, and early in the next century Cranbrook was granted a market charter. For at least the last 700 years, people have been walking this route (now the Hartley Road) for trade, to go to market or church, and for leisure. During those centuries, opening up to the south of Hartley Road was the rural fieldscape of Turnden bounded by the Crane brook. Together these form part of a green wedge extending into, and still abutting - 700 hundred years later - the historic centre of Cranbrook.

3.3 The proposed development will change this historic landscape forever. Instead of a rural fieldscape, there will be a suburban vista extending from Cranbrook to the early medieval hamlet of Hartley, eroding the separation which characterises villages and their surrounding farmsteads in the High Weald AONB.

3.4 Any genuine analysis of the landscape history and character of this area would not conclude this as the small scale, intimate pattern of features and the landscape history is incompatible with the development of hundreds of houses. This is a fundamental issue with the proposal which cannot be overcome by following the more detailed advice on layout and buildings in the Design Guide.

4.0 Conclusion

4.1 The allocation of the site at Turnden for 164-168 additional dwellings will not conserve and enhance the High Weald AONB but rather will have a significant detrimental impact on the purposes for which it was designated. The proposed allocation is major development which is not justified by exceptional circumstances or in the national interest as explained in the Unit's representation on STR1. It is therefore unjustified development contrary to NPPF 172 and the allocation should be deleted from the Local Plan.

[TWBC: see supporting document attached]

Question 6

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Deletion of the allocation.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1440
Response Date	04/06/21 13:10
Consultation Point	Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/HA 4 Land off Copthall Avenue and Highgate Hill

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 see representation on STR1.

[TWBC: as follows]

HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

2.0 The High Weald AONB

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

5.0 Major Development in the High Weald AONB

The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings (As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings
AL/CRS3 Turnden, Cranbrook	200-204 dwellings
AL/HA1 The White House, Hawkhurst	43
AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/BM1 Maidstone Road, Brenchley	210-220 dwellings
AL/PE1,2&3 Pembury	45 dwellings
903-936 dwellings	

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

The Impact of Major Development on the AONB

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

Landscape and Visual Impact Assessment

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

6.0 Development in the Setting of the AONB

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase

in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted 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)? . 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 advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1441
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 1 Land rear of High Street and west of Chalket Lane (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 1 Land rear of High Street and west of Chalket Lane

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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.

Please see representation on STR1.

[TWBC: as follows]

HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

2.0 The High Weald AONB

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

5.0 Major Development in the High Weald AONB

The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm	employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
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	210-220 dwellings	Total
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- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
 - AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
 - AL/PE1,2&3 Pembury 210-220 dwellings
 - **Total**
- 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

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such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

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- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

The Impact of Major Development on the AONB

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

Landscape and Visual Impact Assessment

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

6.0 Development in the Setting of the AONB

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
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- Horsmonden 240-320 dwellings
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- Benenden Hospital 47-50 dwellings

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- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
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in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted 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)? . 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 advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

4.2 The Sustainability Appraisal for the Regulation 19 Local Plan assesses a number of growth options against sustainability objectives. Appendix A to this statement shows the scores and commentary for two of these options:

- GS13 - The strategy reflected in the Regulation 19 Local Plan; and
- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

4.3 Appendix 1 demonstrates the following:

- That the economic objectives are double-counted in the assessment by the application of two objectives on business growth and employment and no account is taken of the benefit the AONB brings to the tourism industry;
- That the perceived impact of strategies on areas of deprivation is double-counted in the assessment by the application of two objectives on health and deprivation and no account is taken of the need for such areas to have good access to the countryside which would be lost to major development under GS13;
- That the assessment of the impact of option GS2 on climate change is clearly incorrect and conflicts with the commentary. This option will be much more positive for the climate change objective than GS13, not just because of reductions in transport and carbon emissions from new dwellings but due to the carbon sequestration function of soils and natural habitats;
- The heritage score for GS2 should be positive to reflect the heritage value of the landscape itself (medieval field systems etc) which would be impacted less under GS2 than GS13. Heritage is not just about listed buildings and conservation areas;
- Whilst it is agreed that GS2 would have a less positive impact on housing than GS13, the suggestion that building more dwellings in the AONB would reduce house prices is unsubstantiated and goes against known evidence. To meet housing needs in the AONB requires more genuinely affordable housing not more £300k+ houses. It is also noted in paragraph 5.5 below that the reduction in housing numbers for this option appears to have been over-estimated, which would affect the relative scores for this objective;
- Landuse - this objective is supposed to be about protecting soils, and reusing previously developed land and buildings. Instead the scoring seems to focus on impacts on the greenbelt. Since most of the major development sites in the AONB are on greenfield land GS2 should score much more positively than GS13;
- The landscape score for GS2 should be much more positive because it significantly reduces the harm to the AONB, which has the highest planning status in respect of landscape and scenic beauty. This is the only objective which mentions the AONB, and does so alongside all other landscape impacts, diluting its importance in the overall assessment of sustainability whereas the NPPF requires that AONBs be given 'great weight';
- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
- Water - If the score is not significantly affected by reduction in growth in the AONB as per the commentary then it should be the same for GS2 and GS13.

4.4 If the above inaccuracies and inconsistencies in the scoring were corrected then GS2 would score more positively overall than the strategy selected for the Regulation 19 Local Plan.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1442
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 2 Land at Hubbles Farm and south of Hastings Road

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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.

Please see representation on STR1.

[TWBC: as follows]

HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

2.0 The High Weald AONB

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

5.0 Major Development in the High Weald AONB

The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm	employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
apartments	AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings	AL/BM1 Maidstone Road, Brenchley
45 dwellings	AL/PE1,2&3 Pembury	210-220 dwellings
903-936 dwellings		

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

The Impact of Major Development on the AONB

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

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shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

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5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

6.0 Development in the Setting of the AONB

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
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- Spratsbrook Farm, Tunbridge Wells 120 dwellings
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- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
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in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

7.0 Conclusion

7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted 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)? . Yes, I wish to participate in hearing session(s)

Question 7a

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To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Please see representation on STR1 [TWBC: As follows]

4.0 The Sustainability Appraisal

4.1 The Sustainability Appraisal is the main tool by which the Borough Council assesses the options for the level of growth and its distribution, and selects its development strategy. NPPF paragraph 32 says that "Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements" and paragraph 35 says that Plans are 'sound' if they meet the tests, including "Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence".

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- GS2 - A strategy which reduces development below the housing need to one that does not involve any major development in the High Weald AONB.

This exercise has been carried out to understand the reasoning behind the selection of the Local Plan strategy compared to the option that most closely aligns to the AONB Unit's position, albeit it doesn't address its concerns about the impact of overall levels of growth on the setting of the AONB.

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- Travel - As the only difference between GS2 and GS13 is the omission of major development sites in the AONB, which as the commentary says will be in areas where alternative transport modes are not popular or viable, the score for GS2 should be more positive for the travel objective than GS13 rather than the opposite as shown.
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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1443
Response Date	04/06/21 13:10
Consultation Point	Policy AL/PE 3 Land north of the A21, south and west of Hastings Road (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/PE 3 Land north of the A21, south and west of Hastings Road

[TWBC: this representation has been input against Policies STR 1, AL/HA 4, AL/PE 1, AL/PE 2 and AL/PE 3 – see Comment Numbers PSLP_1434, PSLP_1440, PSLP_1441, PSLP_1442 and PSLP_1443]

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

.	It is not justified
.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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.

Please see representation on STR1.

[TWBC: as follows]

HWAONB Unit Representation on STR1 – The Development Strategy

1.0 General Comments

1.1 The High Weald AONB Unit acknowledges that Tunbridge Wells Borough Council has sought to address the Unit's previous representations in its preparation of the Regulation 19 Local Plan. In particular we welcome the following:

- The assessment of whether potential allocation sites in the AONB constitute major development, and whether they meet the NPPF 172 tests;
- The reduction in the number of major development sites in the AONB and the reduction in the scale of some of the sites retained; and
- The amendments to a number of development management policies in response to the Unit's comments at Regulation 18 stage.

1.2 However, the Unit remains concerned about the overall level of development being proposed within the AONB and the impact of the retained major development sites. Whilst it appreciates the additional evidence the Borough Council has produced to justify these sites (such as the Landscape and Visual Impact Assessment, the AONB Setting Analysis Report and the Grassland Survey) it has significant issues with the assumptions and outcomes of these studies. The following statement sets out why the Unit believes that this approach is not justified and is contrary to national policy and guidance. It also explains why it believes that the proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated.

2.0 The High Weald AONB

2.1 The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

2.2 The High Weald AONB Joint Advisory Committee was established in 1989 and is a partnership of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald AONB Unit, which provides advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

2.3 The High Weald AONB Unit is an advisory body not a local planning authority and it has no statutory powers. The AONB Unit is not a statutory consultee on planning matters, but offers advice based on the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'.

3.0 National Policy and Guidance in Relation to AONBs

3.1 The National Planning Policy Framework (NPPF) paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

3.2 In the event that the decision-maker concludes that development is 'major' in terms of its impact on the AONB, paragraph 172 of the NPPF states that "Planning permission should be refused for major development⁵⁵ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated".

3.3 Footnote 55 says: "For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined".

3.4 NPPF paragraph 11 explains the presumption in favour of sustainable development. It says that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, unless **"the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area"**. The assets referred to are listed in footnote 6 and include Areas of Outstanding Natural Beauty. The most relevant policy in the Framework for AONBs is paragraph 172 as above.

3.5 Planning Practice Guidance, revised July 2019, states "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated..." Paragraph: 041 Reference ID: 8-041-20190721.

3.6 On 16 December 2020 the government announced how it would be responding to widespread concern about its proposals to amend the standard method for calculating housing need. This response confirmed that the Government would not be progressing these changes, but rather would be retaining the existing standard method for most local planning authorities and boosting supply by increasing the housing numbers of the 20 largest cities in England by 35%. The Government's response included the following statements:

"we heard suggestions in the consultation that in some places the numbers produced by the standard method pose a risk to protected landscapes and Green Belt. **We should be clear that meeting housing need is never a reason to cause unacceptable harm to such places.** But harm or homes is not a binary choice. We can plan for well designed, beautiful homes, with access to the right infrastructure in the places where people need and want to live while also protecting the environment and green spaces communities most value".

"Many respondents to the consultation were concerned that the 'targets' provided by the standard method were not appropriate for individual local authority areas. **Within the current planning system**

the standard method does not present a ‘target’ in plan-making, but instead provides a starting point for determining the level of need for the area, and it is only after consideration of this, alongside what constraints areas face, such as the Green Belt, and the land that is actually available for development, that the decision on how many homes should be planned for is made. It does not override other planning policies, including the protections set out in Paragraph 11b of the NPPF or our strong protections for the Green Belt. It is for local authorities to determine precisely how many homes to plan for and where those homes most appropriately located. In doing this they should take into account their local circumstances and constraints. In order to make this policy position as clear as possible, we will explore how we can make changes through future revisions to the National Planning Policy Framework, including whether a renaming of the policy could provide additional clarity”. 3.7 The above statements do not change existing policy, but reaffirm the existing situation in the NPPF that the housing need numbers produced by the standard method are just a starting point and not a target. 70% of Tunbridge Wells borough is within the High Weald AONB, and yet, the Regulation 19 Local Plan is predicated on the Borough Council meeting its full housing need figure of 678 dwellings per year, or some 12,200 over the plan period of 2020 to 2038. This has severe repercussions for the AONB and prevents the Local Plan from conserving and enhancing its natural beauty.

5.0 Major Development in the High Weald AONB

The Major Development Sites

5.1 Appendix 2 and 3 of the Development Strategy Topic Paper provides the justification for why some of the proposed allocation sites have been considered ‘major development’ in the terms of paragraph 172 of the NPPF and some are not. This assessment has been carried out in a transparent way, and the NPPF makes it clear that whether a development is major or not is a matter for the decision-maker.

5.2 The sites identified as major are as follows:

AL/RTW16 Land at Spratsbrook Farm	120 dwellings	(As the developable part of the site is outside the AONB it is considered that this should be treated as a site in the setting of the AONB rather than major development within it)
AL/RTW17 Longfield Road, Tunbridge Wells	80,000sqm	employment
AL/CRS1&2 Brick Kiln Farm & Corn Valley	215-225 dwellings	AL/CRS3 Turnden, Cranbrook
200-204 dwellings	AL/HA1 The White House, Hawkhurst	43
apartments	AL/HA4 Copthall Avenue, Hawkhurst	70-79 dwellings
AL/BM1 Maidstone Road, Brenchley	45 dwellings	AL/PE1,2&3 Pembury
	210-220 dwellings	Total
903-936 dwellings		

5.3 Some of the above sites already have status in the planning system as follows:

- AL/CRS1&2 Brick Kiln Farm & Corn Valley: These sites were allocated in the 2016 DPD and 180 dwellings at Brick Kiln Farm has outline planning permission;
- AL/CRS3 Turnden, Cranbrook: 36 dwellings already granted full planning permission on the farmstead part of the site;
- AL/HA1 The White House, Hawkhurst: planning permission already granted for 43 retirement apartments;
- AL/BM1 Maidstone Road, Brenchley: outline and reserved matters permission already granted for 45 dwellings.

5.4 The dwellings proposed on major development sites in the AONB with no current planning status are:

- AL/CRS3 Turnden, Cranbrook 164-168 dwellings
- AL/HA4 Copthall Avenue, Hawkhurst 70-79 dwellings
- AL/PE1,2&3 Pembury 210-220 dwellings
- **Total**
- 444-467 dwellings**

5.5 It should be noted that option GS2 in the Sustainability Appraisal assumes that reducing development below the housing need to one that does not involve any major development in the High Weald AONB would result in the scale of housing being reduced by between 1,600 - 2000 dwellings (17% of housing need for 11,526). It is not clear where this number comes from. It is the Unit's understanding that sites already allocated in an adopted Plan or granted outline or full planning permission would go ahead even if all major development sites in the AONB were removed from this Local Plan. Therefore the reduction in housing numbers would be 444-467 dwellings, or about 4% of 11,526.

The Major Development Tests

5.6 As quoted in paragraph 3.2 above, NPPF 172 says that “Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest” and provides a number of tests for the consideration of

such applications. Whilst the wording of this paragraph does not refer to allocations at the plan-making stage, if these tests are not applied at this stage there is a significant risk that allocations will not be deliverable, which would conflict with the test of soundness on effectiveness.

5.7 The Unit believes that the proposed major development allocations fail the NPPF 172 tests for the following reasons:

- **The need for the development:** the Borough Council argues that the high housing need for the area necessitates major development in the AONB. However, this argument is circular. If the conservation and enhancement of the AONB was given great weight as required by NPPF 172 then the housing requirement figure for the Borough would be adjusted downwards to reflect the fact that 70% of the area is AONB, and there would be no 'necessity' to locate large amounts of development within the AONB.

- **Developing outside the designated area, or meeting the need for it in some other way:** Even if it is necessary to allocate some development within the AONB that does not mean that such provision should be in the form of major development sites. As explained below, the High Weald landscape is small scale in character and can accommodate small scale development successfully without damaging its natural beauty.

- **Any detrimental effect on the environment:** this is explored in more detail below.

The Impact of Major Development on the AONB

5.8 National policy and legislation requires decision-makers to have regard and give great weight to conserving and enhancing the natural beauty of AONBs. In the High Weald this natural beauty is defined in the AONB Management Plan's Statement of Significance, which identifies five defining components of character that have made the High Weald a recognisably distinct and homogenous area for at least the last 700 years.

1. Geology, landform and water systems – a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams. 2. Settlement – dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. 3. Routeways – a dense network of historic routeways (now roads, tracks and paths). 4. Woodland – abundance of ancient woodland, highly interconnected and in smallholdings. 5. Field and Heath – small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.

Other equally important characteristics are also identified in the Management Plan under sections on the land-based economy and related rural life and 'other qualities'.

5.9 The objectives for the settlement component are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside;
- Objective S2: To protect the historic pattern and character of settlement;
- and • Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.10 One of the actions for objective S2 is to "Seek to prioritise the delivery of new housing primarily through small-scale development and a mix of housing sizes that responds to local needs". Small scale carefully designed development can be accommodated successfully in this landscape whilst retaining its character, but large-scale developments are much more challenging to integrate successfully without detrimental effects. It is the view of the High Weald AONB Unit that major development cannot be accommodated within the AONB without damaging the essentially human scale character of the area or the purposes of the designation.

5.11 The 5 core components derive from the natural geology, topography and soils of the area and how people have used them over the centuries. Unlike the historically communally farmed landscapes of the Midlands which the national planning system is based on, the High Weald does not have nucleated towns and villages that are separated by open unoccupied countryside where any development would be 'isolated'. Instead it is based on a high density of medieval farmsteads most of which were farmed 'in severalty' – that is by individual families rather than as part of wider estates or communal systems. They were dispersed across the High Weald, surrounded by enough land to support a family and managed as mixed farms to suit the soil conditions and topography and to maximise self-sufficiency. Trees and hedges were an important component of the farming systems and fields were often carved out of woodland by hand (assarts) resulting in their characteristic small and irregular

shape. The challenging topography and soil conditions, which are suited to growing trees and grass rather than crops, mean that the High Weald has retained its Medieval character, with its small fields and woodland shaws, and its high density of historic routeways.

5.12 This history is important because it explains the human scale of the landscape components which comprise the natural beauty of the High Weald and the importance of the dispersed settlement pattern created by the farmsteads. Hamlets, villages and small towns evolved in the late Medieval period and onwards at the intersection of routeways and around commons to facilitate trading between farmsteads and the creation of small industries and crafts. Whilst these settlements are more consolidated, many have farmsteads on their outskirts and it is particularly important to maintain the separation between these two different settlement types so that the historic landscape remains legible for future generations. Continually adding to the larger villages and towns threatens this historic character, especially when it subsumes these adjacent farmsteads. Large-scale developments sit uncomfortably in this landscape because they overlap historic field systems and dominate the small scale historic settlement pattern. Whilst retaining field boundaries and historic features within new developments is important, it cannot overcome the basic incompatibility of locating large scale development within such a small scale landscape. It therefore inevitably fails to conserve and enhance the natural beauty of the AONB.

Landscape and Visual Impact Assessment

5.13 Following the Regulation 18 consultation the Borough Council commissioned Hankinson Duckett Associates to undertake a Landscape and Visual Impact Assessment of 21 potential allocation sites in the AONB. The AONB Unit was consulted on the brief to these consultants but not on the outcome of the work.

5.14 Appendix B to this submission identifies the detailed concerns with this work. Whilst it has a particular focus on the proposed site at Turnden, the concerns about the overall approach apply to all of the major development sites proposed in the AONB in the Regulation 19 Plan. These can be broadly summarised as follows:

- The Assessment consistently downgrades impact on the AONB;
- The imprecise method encourages operator bias and its opaque nature discourages scrutiny;
- The site assessments are inconsistent, partial, unsubstantiated and peppered with loaded phrases;
- There is a visual bias across the assessments with the impact on landscape as a resource being significantly underplayed;
- The cumulative effects of development under each site assessment section do not deal in specifics and when they do they focus almost entirely on visual effects – separation, viewpoints and planting – rather than landscape effects such as the loss of soils; field systems and their potential for biodiversity or food production; rurality, dark skies, tranquillity or other perceptual qualities.

5.15 For the reasons detailed above and in Appendix B it is considered that this LVIA should not be relied upon and it should be accepted that major development within the AONB will have a severe detrimental impact on the natural beauty of the High Weald.

6.0 Development in the Setting of the AONB

6.1 Even if Growth Strategy 2 was followed and the uncommitted major development sites in the AONB removed from the Local Plan, the remaining growth proposed would still have a significant impact on the designated area. This is because only 30% of the Borough is outside of the AONB so attempting to meet all or nearly all of the housing need figure puts tremendous pressure on this area, including where it abuts or is close to the AONB boundary. Developments outside but affecting the AONB include:

- Paddock Wood / land east of Capel Parish 3,490-3,590 dwellings
- Tudeley Garden Village 2,800 dwellings
- Horsmonden 240-320 dwellings
- Spratsbrook Farm, Tunbridge Wells 120 dwellings
- Benenden Hospital 47-50 dwellings

6.2 The Borough Council commissioned Hankinson Duckett Associates to produce an 'AONB Setting Analysis Report'. Whilst the work that has gone into this study is appreciated, the Unit was not consulted on its methodology or outcomes. The study focuses primarily on the inter-visibility of developments and direct impacts and does not address the wider impacts of accommodating this level of growth so close to the boundary of the AONB. These impacts include:

- Increased visitor numbers to the AONB placing pressure on its recreational facilities and infrastructure;
- Increased traffic travelling through the AONB to access the new developments and the highway 'improvements' required to accommodate this;
- Loss of tranquillity arising from the above;
- Increase

in air pollution arising from the above; • Light pollution from developments on the edge of the AONB and from highway improvements which require to be lit.

6.3 The above impacts would be reduced if the overall housing number was reduced to reflect the 70% of the Borough which lies within the AONB rather than trying to meet the full housing need by squeezing as much as possible into the remaining area. This statement focuses on the impact of this strategy on the AONB because that is the Unit's remit. However, this does not mean we are blind to the devastating impact of the planned level of growth on the area outside of the AONB, much of which is Green Belt and/or Low Weald countryside which is highly valued by its residents.

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7.1 The High Weald AONB Unit believes that the overall level of development proposed and the major development sites allocated in the AONB are not justified and are contrary to national policy and guidance. The proposed development strategy of the Local Plan would have a severe detrimental impact on the purposes for which the AONB was designated and would fail to conserve and enhance this national asset. It is therefore recommended that there is a reduction in the overall housing figure and that all the major development sites in the AONB be deleted from the Local Plan.

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1445
Response Date	04/06/21 13:10
Consultation Point	Policy EN 8 Outdoor Lighting and Dark Skies (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 8 Outdoor Lighting and Dark Skies

Question 4a

If 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.

The High Weald AONB Unit supports policy EN8 Outdoor Lighting and Dark Skies as assisting with meeting objective OQ4 of the High Weald AONB Management Plan 'To protect and promote the perceptual qualities that people value'. These qualities include dark skies.

It would also support paragraph 6.125 in the supporting text which says "The whole of the borough, apart from the Main Urban Area of Royal Tunbridge Wells and Southborough, and Paddock Wood, should be treated as being in Zone E1 "intrinsically dark with natural surroundings" (as defined by Table 1 of the Institute of Lighting Professionals Guidance Note GN01: the Reduction of Obtrusive Light), where sky glow and building luminance should be zero. Particular consideration should be given to the dark skies of the High Weald AONB as set out in the High Weald AONB Management Plan". The ILP Guidance says that zone E1 Natural Dark (SQM 20 to 20.5) is suitable for "Relatively uninhabited rural areas, National Parks, Areas of Outstanding Natural Beauty, IDA buffer zones etc"

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.

N/A

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 advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Ms Claire Tester [REDACTED]
Email Address	[REDACTED]
Company / Organisation	High Weald AONB Unit
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	High Weald AONB Unit [REDACTED]
Comment ID	PSLP_1446
Response Date	04/06/21 13:10
Consultation Point	Policy EN 19 The High Weald Area of Outstanding Natural Beauty (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	High Weald AONB Unit
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 19 The High Weald Area of Outstanding Natural Beauty

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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The AONB Unit supports the intent of EN19 on the High Weald AONB Unit but considers that it could be strengthened in the following ways:

The reference to the AONB Management Plan is welcomed but this Plan is supplemented by Advice Notes which help to amplify its objectives and proposed actions. Of particular relevance to planning matters is the High Weald Housing Design Guide and the High Weald Colour Study.

The policy makes specific mention of some of the AONB's landscape character components, such as historic routeways, but not others. Notable by its absence is any reference to the essentially Medieval character of the landscape and, in particular, the importance of its small, irregularly shaped Medieval field systems. These are an important contributor to the overall landscape character and are under threat from development pressure and mass tree-planting schemes.

In addition, criterion 4 refers to the distinctiveness and characteristics of settlement but not to their settlement pattern which is an important aspect that needs to be conserved when any development takes place.

Question 6

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The Unit recommend that the following amendments are made to the 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 **and its supporting documents including the High Weald Housing Design Guide and the High Weald AONB Guidance on the selection and use of colour.**

Development in the AONB should be limited in scale and extent, 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 **Conserve and enhance the historic characteristics of the landscape including its distinctive field systems and features and the** ~~Where present, protect, enhance, and restore~~ **key characteristics of historic routeways;**
- 4 Retain and support the distinctiveness of individual settlements, ~~and their key characteristics~~ **and their historic settlement pattern;**
- 5 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.

Planning permission will be refused for 'major' development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest, in accordance with national policy.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in 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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To advise the Inspector on matters relating to the High Weald AONB. The Partnership is the body with responsibility for advising those with a duty to have regard to conserving and enhancing the AONB under Section 85 of the Countryside and Rights of Way Act.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Mr Greg Pitt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Barton Willmore
Address	[REDACTED] London [REDACTED]
Consultee	Mr Terry Gamble [REDACTED]
Company / Organisation	Hill Residential Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Hill Residential Ltd [REDACTED]
Comment ID	PSLP_1845
Response Date	03/06/21 16:29
Consultation Point	Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Hill Residential Ltd
Question 2	
Agent's Name and Organisation (if applicable)	Barton Willmore
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/CRS 1 Land at Brick Kiln Farm, Cranbrook Road

Paragraph Numbers: 5.288 - 5.294

Question 4

Do you consider that the Local Plan:

Is legally compliant Don't know

Is sound Don't know

Complies with the Duty to Cooperate Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation is submitted on behalf of Hill primarily in response to proposed Policy AL/CRS 1 which concerns Brick Kiln Farm, Cranbrook.

Hill is a family-owned company, representing one of the top 20 UK housebuilders. It has achieved the WhatHouse Housebuilder of the Year 3 years in a row and prides itself on providing high quality homes for local communities.

The Site was part of a wider area allocated for residential development within the Site Allocations Local Plan under Policy AL/CR4. The proposed Policy AL/CRS 1 intends to separate out the Brick Kiln Farm site as a standalone policy. Hill is supportive of this approach.

Policy AL/CRS 1 sets out 9No. requirements and we comment on these as follows:

1. The main vehicular access shall be taken from the A229 Hartley Road (as a priority junction), with provision of secondary/emergency access required

Hill supports this requirement.

2. Provision of pedestrian and cycle links to provide permeability through this site and adjacent sites (Policies AL/CRS 2 and AL/CRS 3), and to create an accessible, safe, non-vehicular route to the services provided at the centre of Cranbrook, Hartley, and surrounding residential areas and link into, and enhance, established Public Rights of Way

Hill supports this requirement and is actively engaged in pre-application discussions with officers to ensure that a landscape led scheme that maximises permeability come forward as part of the forthcoming Reserved Matters Application. In addition to this, the existing Public Rights of Way through the site will be enhanced to further facilitate permeability.

3. Development shall be located on the areas identified for residential use on the site layout plan

Hill generally supports this requirement, however, would suggest that the wording is changed slightly so that there is flexibility in the shape of the residential areas to ensure the best possible outcome for achieving a high quality development and landscape led scheme. The proposed modification to the wording of this point is set out further within the following section.

4. The design, layout, and final number of dwellings to be informed by a comprehensive landscape and visual impact assessment, ecological studies, and a heritage assessment (to include archaeology and landscape heritage), and consideration of cumulative effects of any other planned development in the vicinity

Hill supports this requirement.

5. 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;

Hill supports this requirement and is actively engaged in pre-application discussions with officers to ensure that a landscape led scheme comes forward as part of the forthcoming Reserved Matters Application.

6. Extensive green infrastructure shall be provided, both on the areas shown indicatively in green on the site layout plan and through the non-green areas where relevant, in the form of:

a) a suitably designed green infrastructure link along the Crane Valley to link into the routes provided further south along the valley, providing an extended and improved green route into the centre of Cranbrook and Hartley, and creating links to the allocated sites to the south and east (Policies AL/CRS 2 and AL/CRS 3);

b) retained and improved meadows, woodlands, hedgerows, and water features;

c) landscape buffers to existing woodlands;

d) the reinstatement of historical field boundaries with hedgerows, shaws, and woodlands;e) retained and enhanced water bodies and watercourses

e) retained and enhanced water bodies and watercourses

Hill supports this requirement and is working in accordance with the green infrastructure plan approved as part of the outline planning application.

7. An archaeological assessment of the site, including field evaluations;

Hill supports this requirement and condition 39 attached to the outline planning permission controls this requirement.

8. Provision of on-site amenity/natural green space and children's play space;

Hill supports this requirement and these features will be included with the forthcoming Reserved Matters Application.

9. Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/CRS 1.

Hill supports this requirement, noting that contributions have already been secured through the S106 accompanying the Outline Planning Permission.

As demonstrated above, Hill therefore considers this policy would be justified and sound in line with the NPPF, subject to the proposed modification below.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy AL/CRS 1 currently states as part of the wording:

3. Development shall be located on the areas identified for residential use on the site layout plan

Hill generally supports this requirement, however, would suggest that the wording is changed slightly so that there is flexibility in the shape of the residential areas to ensure the best possible outcome for achieving a high quality development and landscape led scheme.

We recommend that the wording of requirement 3 of this Policy is amended as follows:

3. Development shall be located in broad accordance with the areas indicatively identified for residential use on the site layout plan.

We consider this will ensure flexibility for detailed design of the residential parcels for appropriate orientation of dwellings, gardens or to provide more soft landscaping and habitat around these parcels and for this to be accommodated in agreement with Tunbridge Wells Borough Council through the development management process.

Subject to this modification we would consider the policy to be justified and sound in line with the NPPF.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? ☐ 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:

Hill considers this necessary as Brick Kiln Farm is an active site and the outcome of the hearing sessions will be important in the progress of a future Reserved Matters application.

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 Hills [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Peter Hills [REDACTED]
Comment ID	PSLP_748
Response Date	01/06/21 11:49
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Peter Hills, xxx, Postern Lane [TWBC: part of postal address redacted for privacy]
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/ SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have been a resident of Postern Lane, on the border of Tonbridge and Tunbridge Wells for 9 years. I am extremely concerned about the impact of this development on the infrastructure (roads, shopping and public transport) of Tonbridge.

The development proposed for Tudeley will have a significant impact on the the neighbouring area of Tonbridge, being so close the border with Tonbridge and Malling Borough Council (TMBC). The plan shows insufficient evidence that an effective consultation has taken place with TMBC.

This strategic site has no significant proposals for public transport and assumes a significant decrease in car use when modeling transport projections. I believe these projections are unrealistic and the transport impacts on the neighbouring areas will be significant, highly detrimental and that there are no practical means of mitigation.

The landscape damage from this development would be significant and has not been properly assessed by TWBC.

Question 6

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Significantly more work is required to justify this strategic development. In the absence of this work the proposal should be removed 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)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

None

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Alan Byrne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Historic England
Address	[REDACTED] [REDACTED] London [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Historic England [REDACTED]
Comment ID	PSLP_1402
Response Date	03/06/21 09:32
Consultation Point	Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Historic England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 8 Conserving and Enhancing the Natural, Built, and Historic Environment

TWBC: this representation has been input against Policies STR 8, EN4 and EN5 – see Comment Numbers PSLP_1402, PSLP_1403 and PSLP_1404]

Question 4a

If 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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As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. In our previous comments (by letter dated 15 November 2019), Historic England focused on the objective of the National Planning Policy Framework to set out a positive strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraph 28); and contain policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 185).

Further to our comments on the Regulation 18 draft Local Plan, and the Council's response set out in a letter dated 23 April 2020, we entered a period of engagement to address the concerns and issues raised in that our representations. This included an exchange of correspondence and two meetings on 3 June 2020 and 4 May 2021. You shared with us also informal comments by a Planning Inspector on the wording of the heritage policies of the plan, which we discussed by email and at the latter meeting. In view of the changes made to the draft Local Plan we consider that our comments on the Regulation 18 stage draft Local Plan largely have been addressed in the current Pre-submission version or are, in our view, not now likely to affect the soundness of the Local Plan.

We welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment, in our view, have been met.

We note also the intention to prepare a separate development plan document for the Royal Tunbridge Wells town centre area, which we expect to address some of the issues relating to sites allocations and policy wording raised in our earlier Regulation 18 representations. We look forward to discussing this document with you in due course.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

We hope that these comments are useful.

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 Alan Byrne [REDACTED]
Email Address [REDACTED]
Company / Organisation Historic England
Address [REDACTED]
[REDACTED]
London
[REDACTED]
Event Name Pre-Submission Local Plan
Comment by Historic England [REDACTED]
Comment ID PSLP_1403
Response Date 03/06/21 09:32
Consultation Point Policy EN 4 Historic Environment ([View](#))
Status Processed
Submission Type Email
Version 0.3

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Historic England

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 4 Historic Environment

TWBC: this representation has been input against Policies STR 8, EN4 and EN5 – see Comment Numbers PSLP_1402, PSLP_1403 and PSLP_1403]

Question 4a

If 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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As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. In our previous comments (by letter dated 15 November 2019), Historic England focused on the objective of the National Planning Policy Framework to set out a positive strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraph 28); and contain policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 185).

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We welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment, in our view, have been met.

We note also the intention to prepare a separate development plan document for the Royal Tunbridge Wells town centre area, which we expect to address some of the issues relating to sites allocations and policy wording raised in our earlier Regulation 18 representations. We look forward to discussing this document with you in due course.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

We hope that these comments are useful.

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 Alan Byrne [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Historic England
Address	[REDACTED] [REDACTED] London [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Historic England [REDACTED]
Comment ID	PSLP_1404
Response Date	03/06/21 09:32
Consultation Point	Policy EN 5 Heritage Assets (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Historic England
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 5 Heritage Assets

TWBC: this representation has been input against Policies STR 8, EN4 and EN5 – see Comment Numbers PSLP_1402, PSLP_1403 and PSLP_1404]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the planning process. This includes formulation of local development policy and plans, supplementary planning documents, area and site proposals, and the on-going review of policies and plans.

There are many issues and matters in the consultation document that are beyond the remit and concern of Historic England and our comments are, as required, limited to matters relating to the historic environment and heritage assets. In our previous comments (by letter dated 15 November 2019), Historic England focused on the objective of the National Planning Policy Framework to set out a positive strategy for the conservation, enjoyment and enhancement of the historic environment (NPPF, Paragraph 28); and contain policies to deliver the conservation and enhancement of the historic environment (NPPF, Paragraph 185).

Further to our comments on the Regulation 18 draft Local Plan, and the Council's response set out in a letter dated 23 April 2020, we entered a period of engagement to address the concerns and issues raised in that our representations. This included an exchange of correspondence and two meetings on 3 June 2020 and 4 May 2021. You shared with us also informal comments by a Planning Inspector on the wording of the heritage policies of the plan, which we discussed by email and at the latter meeting. In view of the changes made to the draft Local Plan we consider that our comments on the Regulation 18 stage draft Local Plan largely have been addressed in the current Pre-submission version or are, in our view, not now likely to affect the soundness of the Local Plan.

We welcome the inclusion of policies for the historic environment in the local plan that meet the obligation for preparing the positive strategy required by the NPPF. The key test of the soundness of the plan and the achievement of sustainable development as defined in the NPPF in respect of the elements that relate to the historic environment, in our view, have been met.

We note also the intention to prepare a separate development plan document for the Royal Tunbridge Wells town centre area, which we expect to address some of the issues relating to sites allocations and policy wording raised in our earlier Regulation 18 representations. We look forward to discussing this document with you in due course.

We should like to stress that this opinion is based on the information provided by the Council in its consultation. To avoid any doubt, this does not affect our obligation to provide further advice and, potentially, object to specific proposals which may subsequently arise where we consider that these would have an adverse effect upon the historic environment.

We hope that these comments are useful.

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	Ryan Holliday [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Ryan Holliday [REDACTED]
Comment ID	PSLP_1008
Response Date	02/06/21 23:18
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	Ryan Holliday
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1 for paddock wood and land at east capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	.	It is not effective
	.	It is not justified
	.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have lived in Paddock Wood for over 10 years with my young family.

I feel that this development will have a very negative impact on paddock Wood residents. The traffic congestion this will cause via tudely and tonbridge will cause delays and pollution. The loss of green space after all the other green space lost to development makes this a bad choice of location for such a large development. Residents will have little space left to walk and enjoy nature.

This area is also prone to flooding, I have spent many times clearing the ditches to stop neighbours gardens becoming water logged. This development needs huge consideration.

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.

Reconsider the area, build on brownfield. Don't ruin our beautiful countryside which has been a safe haven for so many during this past year.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sherilee Holliday [REDACTED]
Email Address	[REDACTED]
[REDACTED]	
[REDACTED] Name	Pre-Submission Local Plan
Comment by	Sherilee Holliday [REDACTED]
Comment ID	PSLP_75
Response Date	29/04/21 13:41
Consultation Point	Strategic Sites: Tudeley Village and Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Sherilee Holliday
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 1 Strategy for Paddock Wood, including land at east Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I have been a Paddock Wood resident for over 10 years.

I believe that the proposal for Paddock Wood and Capel is not the right place for such a large scale development. We do not have the roads and infrastructure in place and we flood regularly. There are not enough primary schools and doctors surgeries to handle this amount of people.

Sadly Paddock Wood has already had a vast amount of development taking away a huge amount of green space, one which during the last year has been vital to our mental health. Taking these areas of green space leaves Paddock Wood with very little left and a huge loss to wildlife.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

- . No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

- . Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Garry Holmes ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Garry Holmes ([REDACTED])
Comment ID	PSLP_2095
Response Date	04/06/21 12:26
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	Garry Holmes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2095 and PSLP_2098]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectarage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectarage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close

to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the

less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)." Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS "includes rare and vulnerable acid grassland which should form a core area for

unimproved grassland as part of a High Weald nature recovery network.” Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

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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 Garry Holmes ([REDACTED])
Email Address	[REDACTED]
Address	[REDACTED] Benenden TN17 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Garry Holmes ([REDACTED])
Comment ID	PSLP_2098
Response Date	04/06/21 12:26
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.2
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Garry Holmes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph No(s) 5.420, 5.421

Policies Map (Inset Map No(s)) 18

[TWBC: this representation has been input against Policies AL/BE 3 and AL/BE 4, please see Comment Numbers PSLP_2095 and PSLP_2098]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

- . Looking at the issue in terms of its hectareage:
 - . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
 - . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
 - . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The **Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
 - The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
 - The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
 - The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging

the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . ***Previous Stages, Draft Local Plan, Benenden Overview***, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

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Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

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Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the

less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

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Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_885
Response Date	02/06/21 08:32
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_885_Home Builders Federation_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Home Builders Federation

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Response by the Home Builders Federation to the consultation on the Tunbridge Wells Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the Pre-Submission Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

STR 1 – The Development Strategy

This policy is unsound as it is insufficiently flexible to ensure needs will be met in full.

The housing requirement

2. Using the standard method, Tunbridge Wells Borough Council (TMBC) consider their local housing needs assessment (LHNA) to be 678 dwellings per annum (dpa). The HBF would agree that this is the minimum number of homes that the Council should be planning for. However, as established in paragraph 60 of the NPPF this is a minimum and there will be circumstances where Councils will need to set a housing requirement above the assessment of need resulting from the standard method. The first such scenario is set out in paragraph 60 itself which states that in addition to the LHNA any needs that cannot be met in neighbouring areas should also be taken in to account.

3. Whilst the Council have noted the difficulties faced by Sevenoaks in meeting their needs the Council do not appear to have noted in the Duty to Co-operate Statement the fact that there are unmet needs in Rother nor the wider regional concern that London will not meet its own housing needs over the next ten years. With regard to Rother the Council note at paragraph 2.45 of the Housing Needs Assessment Topic Paper that there is no indication of unmet needs in Rother on the basis that they are yet to undertake substantive work on a new local plan.

However, Rother's local plan was adopted in September 2014 and as such those policies relating to housing delivery in that plan must be considered out of date as it is older than five years and has not been reviewed. In this situation paragraph 68-005 of PPG applies which states that in such circumstances:

“...the 5-year housing land supply will be measured against the area's local housing need calculated using the standard method.”

As such the annual housing requirement for Rother moving forward is the local housing needs assessment as calculated using the standard method. As we will set out below the increased requirement in Rother will mean a shortfall in delivery that must be addressed. Using the standard method with a base period 2020 to 2030, will require Rother to deliver 728 dpa. Whilst we recognise the delivery of new homes in Rother is expected to increase from 2024/25, resulting in the delivery of an additional 4,384 homes between 2020 and the end of their plan period, there would still be a shortfall of 1,440 homes against their local housing needs assessment. In particular we are concerned that it is over the next 5 years during which this shortfall will arise.

4. The housing requirement for Rother over the next 5 years using the standard method is 3,640 homes. However, between 2020 and 2025 Rother only expect to deliver 2,386 homes. This is a shortfall of 1,254 homes during this five-year period which as far as we are aware is not being addressed elsewhere in the region. Whilst a new local plan for Rother could deliver an increase in housing to address unmet needs it is unlikely to do so in the next 5 years given the lack of urgency with which Rother is undertaking its planned review it is necessary for neighbouring areas to consider how these needs can be addressed.

5. Secondly, there appears to be no consideration as to the level of unmet needs arising in the Capital. During the preparation of the London Plan the Mayor, London Boroughs and Council's across the wider South East were adamant that London would 'consume its own smoke' with regard to housing needs. However, even on publication this was not the case with the London Plan showing a shortfall of some 10,000 homes between 2018 and 2028. This situation has now worsened as the examination of the London Plan highlighting significant shortcomings in the Mayor's estimations as to the supply development lands within the Capital, and in particular the outer London Boroughs.

6. The examination report on new London Plan was published in October 2019 and outlines in paragraph 174 that the overestimation of the contribution of small sites reduces the supply of new homes from 65,000 to 52,000 homes per annum. This means that there is a shortfall of some 140,000 homes between 2018 and 2028 in the capital against its own assessment that the capital needs to deliver 66,000 homes each year across the plan period to meet future need and address the current backlog. We could not find any reference to these needs in the Council's evidence and given London borders the housing market area within which TMBC is located it is essential that these be taken into account when setting the Council's housing requirement.

Housing supply

7. Over the plan period the Council expect to deliver 13,250 homes to meet their minimum need of 12,204 homes. Whilst this provides an additional supply of around 1,000 homes the HBF do not consider this to be sufficient for two reasons. The first reason that this is not sufficient given the level of affordable housing needs identified by TWBC and the second being the reliance on strategic sites from 2025 onwards could place delivery at risk should these sites be delayed.

8. With regard to meeting affordable housing needs Planning Practice Guidance (PPG) notes at paragraph 2a-024 that:

"The total affordable housing need can then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, taking into account the probable percentage of affordable housing to be delivered by eligible market housing led developments. An increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes."

As such it is important that Councils consider whether further allocations are possible to better meet their need for affordable housing. The Council's Housing Needs Study from 2018 establishes that 443 new affordable homes to be provided each year to meet the need for such homes in Tunbridge Wells in future and address current backlog within five years. Meeting the backlog over the plan period affordable housing needs are estimated to be 391 dpa. However, the Council will not meet this either assessment of affordable housing need. The Council estimates, as set out in table 10 of the Housing Supply Topic Paper, that it expects to deliver 224 affordable homes per annum – some 170 homes short of stated needs. Further allocations of sustainable and suitable sites should therefore be considered if these would enable more affordable housing to be provided in the Borough.

9. Moving to overall supply, consideration needs to be given to the degree to which the Council are reliant on strategic sites to meet needs and whether there is sufficient flexibility should there be delays in the delivery of these sites. The HBF is supportive of the strategic allocations that have been included in this local plan. Strategic sites such as these provide opportunities to meet development well into the future. However, their scale and complexity does mean that timescales for delivery can slip and as such there can be a risk of the housing requirement not being met without a more substantial buffer in supply being provided.

10. In considering the speed at which sites can come forward it is helpful to examine the Lichfield report Start to Finish¹. The latest edition of this report outlines not only the timescales it takes for larger sites to commence and the rate at which such sites deliver new homes but also the variability between sites. With regard to when the first home will be delivered figure 4 from the report shows that the

average planning approval period for those sites of 2,000 or more units in the study was 6.1 years with 2.3 years between approval and first delivery. However, this is an average with some sites delivering more quickly and some being considerable slower to move through the planning process. Similarly build out rates vary significantly. Table 4 and Figure 8 of Start to Finish show that sites of more than 2,000 homes deliver on average 160 units per annum with average delivery ranging from 50 dpa to around 300 dpa.

11. It is therefore important to recognise that there is potential for the larger sites allocated by the Council to deliver at the rates suggested but there is also the possibility that delivery will commence later than expected and at lower build out rates. As outlined above this local plan expects supply to be some 1,000 homes more than needs, around an 8% buffer. However, from 2025 supply from the two strategic sites at Tudeley Village and Paddock Wood are expected to provide 64% of total supply. As such any delays as to when development commences on these sites, or slower than expected delivery, will compromise the Council's ability to meet needs in full. The NPPF establishes in paragraph 11 that local plans should be sufficiently flexible to adapt to rapid change and at present we do not consider this to be the case with regard to this local plan.

12. In order to provide the necessary flexibility required by the NPPF the HBF considers a 20% buffer between the housing requirement and expected supply over the plan period. This level of additional planned supply above the requirement would ensure that there is sufficient scope within the plan to take account of any unexpected delays in delivery. In particular it is important to ensure supply in the early years of the plan remains flexible and can take account of any delays so we suggest more smaller sites are allocated that will come forward in the first five years of the plan. A 20% buffer would also increase the potential for the Council to improve the level of affordable housing delivered in the plan period and better meet the needs of its residents.

13. The need for such a buffer to provide flexibility and increase the supply of affordable homes can also be considered as exceptional circumstances to support further amendments to the Green Belt boundary. The Council set out in the Development Strategy Topic Paper the exceptional circumstances required to support amendments to the Green Belt boundary and we would agree with their assessment. However, there is an acute need for affordable housing in Tunbridge Wells alongside the poor affordability of accommodation that we would consider to be sufficient to promote further amendments to allocate sites that would provide sustainable development opportunities to provide both market and affordable housing. Indeed, the principle of amending Green Belt boundaries to deliver housing growth beyond minimum requirements has been considered recently in Compton Parish Council & Ors v Guildford Borough Council & Ors. [Case Number: CO/2173/2019]. In this case it was concluded at paragraph 105 that an excess of housing supply, and the advantages of such supply above the minimum requirement, could contribute to exceptional circumstances.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable design standards are not consistent with national policy.

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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.

Recommendation

14. Given the unmet needs in London and the benefits of further allocations to support affordable housing delivery, consideration should be given as to whether the Council should apply the cap in relation to the standard method. As set out in paragraph 2a-007 of PPG the cap reduces the number generated by the standard methods but does not reduce the need itself. We note that the Council have considered this level of delivery in the SA and there are clearly benefits in using and meeting the uncapped housing requirement resulting from the standard method. However, even if the requirement is not adjusted, we consider its necessary for the Council identify additional allocations in the local plan to improve flexibility and better address the need for affordable housing within Tunbridge Wells.

Question 7

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Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_892
Response Date	02/06/21 08:32
Consultation Point	Policy STR 5 Infrastructure and Connectivity (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_HomeBuildersFederation_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Home Builders Federation
Question 3	
To which part of the Local Plan does this representation 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: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

Question 4a

If 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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STR 5 – Infrastructure and connectivity

This policy is unsound as it is not consistent with national policy.

15. In addressing the impact of development on infrastructure it is important to ensure that all contributions are, as set out in the NPPF and paragraph 122 of the CIL Regulations 2010, necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. However, regardless of the impact it would appear from part 1 of this policy that a significant contribution will be required. Such a statement is not consistent to the more proportionate approach set out in both legislation and policy.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
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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.

Recommendation

16. That the word “significant” is removed from part 1 of this policy.

Question 7

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Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_894
Response Date	02/06/21 08:32
Consultation Point	Policy EN 2 Sustainable Design Standards (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	PSLP_885_Home Builders Federation_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Home Builders Federation

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

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Policy EN 2 Sustainable Design Standards

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

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EN2 – Sustainable Design Standards

The policy is unsound as it is not consistent with national policy.

17. The HBF does not consider this policy to be consistent with national policy. The Council are advocating the use of just one approach within the policy whereas the paragraph 129 of NPPF makes no such prescription. The Council must be clear in policy that it encourages the use of a range of assessment frameworks and remove the specific reference in policy to the encouraged minimum design standards based on Homes Quality Mark and that it pays equal consideration to the outcome of any such assessment. In addition, the Council should remove the phrase until national policy allows otherwise. If national policy is to change to allow the implementation of alternative standards such as HQM through the local plan it will be for the Council to justify such a requirement through a focussed review of the local plan. Councils cannot seek to pre-empt national policy in this manner.

18. The Council should also amend the third paragraph which could cause confusion for applications and decisions makers as outlines the evidence required to demonstrate compliance with this policy. As outlined above paragraph 129 of the NPPF states that the Council can consider the outcome of any such assessment process, but it cannot dictate the assessment used nor require the assessment to be undertaken in the first place. High quality and sustainable development can arise without the use of such assessment tools.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
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Recommendation

19. The Council should remove the specific encouragement to meet the HQM standards set out in the policy. In addition, given that the policy, as it relates to residential development, is one that seeks to encourage not require as such there is no need to demonstrate compliance with these standards. The paragraph should be amended to read:

Compliance with the sustainable design requirements for non-residential development should be demonstrated via the following certificates (or future equivalent): 1. 'Pre-assessment estimator' at application stage; 2. 'Design stage' certificates prior to construction; 3. Final certificates for all schemes six months post-completion

Question 7

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Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_896
Response Date	02/06/21 08:32
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Home Builders Federation
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 3 Climate Change Mitigation and Adaptation

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

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EN3 Climate change mitigation and adaptation

The policy is unsound as it is not consistent with national policy.

20. The Government are expected to amend Building Regulations this year as part of the transition to the Future Homes Standard in 2025. The HBF recognises the need to reduce carbon emissions from new homes. As such we are working with our members and Government to provide an effective route map in achieving the necessary reductions whilst also maintaining the supply of housing required to meet the country's needs. To achieve improvements in energy efficiency whilst maintaining supply requires not only the housebuilding industry to adapt but also those industries supporting it to develop the necessary supply chains that will ensure the products required to meet these standards, such as ground and air source heat pumps, are available.

21. This transition will mean that all new homes will have to be built to achieve a 31% improvement on the 2013 Building Regulations and mean that the requirements in EN3 are redundant. In addition, Paragraph 16 of the NPPF requires policies to be clear in how a decision maker should react and we would suggest that there is the potential for confusion between the application of planning policy and the building regulations should the policy be retained.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
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Question 6

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Recommendation

22. That the Energy reduction in new buildings part of EN3 is deleted.

Question 7

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Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_897
Response Date	02/06/21 08:32
Consultation Point	Policy EN 9 Biodiversity Net Gain (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Home Builders Federation

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

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EN9 Biodiversity Net Gain

Part b of the policy is unsound as it is not consistent with national policy.

23. Firstly, the Council's policy approach to biodiversity net gain should not deviate from the Government's proposals on biodiversity gain as set out in the Environment Bill. This legislation will require development to achieve a 10% net gain for biodiversity. This is not set out as a minimum and to ensure clarity in decision making, we would suggest this prefix is deleted. It is the Government's opinion that 10% strikes the right balance between the ambition for development and reversing environmental decline. A 10% gain provides certainty in achieving environmental outcomes, deliverability of development and costs for developers. Removing the term minimum will not place a cap on the aspirations of developers who want to voluntarily go further but it will ensure that decision makers do not seek to go beyond 10%.

24. Secondly the Council cannot require a higher level of net gain through supplementary planning document (SPD). The relevant legislation defining the difference between Local Plans and SPDs is the Town and Country Planning Regulations (2012). This defines an SPD in regulation 2 as "any document of a description referred to in regulation 5 (except and adopted policies map or statement of community involvement) which is not a local plan." Therefore, it can be concluded that whilst SPDs are Local Development Documents they are not local plans. Regulation 5 in turn states:

5(1) For the purposes of section 17(7)(za)(1) of the Act the documents which are to be prepared as local development documents are—(a)any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—(i)the development and use of land which the local planning authority wish to encourage during any specified period;(ii)the allocation of sites for a particular type of development or use;(iii)any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and(iv)development management and site allocation policies, which are intended to guide the determination of applications for planning permission;

25. Taken together these regulations mean that a local plan is a document that contains statements as to the:

- development and use of land which the local planning authority wish to encourage during any specified period;
- allocation of sites for a particular type of development or use; and
- development management

and site allocation policies, which are intended to guide the determination of applications for planning permission.

Therefore, any supplementary guidance being proposed cannot include anything that is intended to guide the determination of applications for planning permission – such as a level of biodiversity net gain above that required by legislation. Such policies can only be adopted in a local plan following the prescribed process.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

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Recommendation

26. The phrase “or greater where required by supplementary planning guidance” should be deleted from policy EN9.

Question 7

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Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_898
Response Date	02/06/21 08:32
Consultation Point	Policy H 3 Affordable Housing (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf

Data inputter to enter their initials here AT

Question 1

Respondent's Name and/or Organisation Home Builders Federation

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

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Policy H 3 Affordable Housing

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

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H3 Affordable housing.

27. The Council will need to consider whether it would be appropriate to include the requirement that 25% of affordable homes are delivered as First Homes in this policy. Whilst the Written Ministerial Statement and PPG set out the transitional arrangements that do not require TWBC to include the 25% First Home requirement in their affordable housing policy PPG does state at paragraph 70-019 that inspector may wish to consider at the examination of a local plan whether an early update of the plan would be appropriate to take account of this change to national policy. Rather than include an early review of the local plan to amend policy H3 we would suggest that the requirement is included prior to the plan being submitted for examination.

Conclusion

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Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_900
Response Date	02/06/21 08:32
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf
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Question 1	
Respondent's Name and/or Organisation	Home Builders Federation
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To which part of the Local Plan does this representation relate?	Policy
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Policy H 6 Housing for Older People and People with Disabilities

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

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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.

Response by the Home Builders Federation to the consultation on the Tunbridge Wells Local Plan

1. Thank you for consulting the Home Builders Federation (HBF) on the Pre-Submission Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

H6 Housing for older people and people with disabilities.

Parts 2 and 4 of this policy is unsound as it has not been justified.

28. Whilst it would appear likely that part M4(2) will be made mandatory through proposed changes to the Building Regulations this is still to be confirmed by the Government and as such it is important that the Council's requirement in H3 that all new homes are built to part M4(2) of the Building Regulations is justified. The HBF consider it the case that new homes built to the mandatory part M4(1) will be suitable for a significant proportion of the population throughout their lifetime. However, we recognise that there will be a need for some new homes to be built to higher accessibility standards.

29. The Council have provided evidence on the need for such homes in its Housing Needs Study and the consider this to be sufficient to support the proposal that all new homes should be built to part M4(2) of the Building Regulations. However, when considering the implementation of the optional standards it is important to note that footnote 46 in paragraph 147 in the NPPF states that policies on adaptable and accessible housing should be used "... where this would address an identified need ...". This would suggest that any policy should seek to address an identified need and there must be clear evidence as to how many such homes are needed.

30. The Housing Needs Study indicates that 30.8% of households contained at least one person with impaired mobility over the plan period. However, the study also states that only 8.1% of all households had a physical or mobility impairment and as such more likely to need a more accessible home. This position is not dissimilar to that seen nationally in the English Homes Survey. The study examined the need for adaptations in 2014/15 and noted that 9% of all households in England had one or more people with a long-term limiting illness or disability that required adaptations to their home. The survey also found that in 2014-15, 81% of households that required adaptations in their home, due to their long-term limiting disability, felt their current home was suitable for their needs and that only 10% of those households whose home required an adaptation were trying to move somewhere more suitable.

31. Therefore, whilst we recognise that with an ageing population there will be more people with mobility problems in future it does not necessarily lead to them needing a new home built to the M4(2) standard nor provide sufficient justification to require all new homes to be built to that standard. Indeed, for many older people a home built to current mandatory standard, which is significantly better than homes built prior to this standard, will be sufficient to meet their needs throughout their lifetime.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable design standards are not consistent with national policy.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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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.

Recommendation

32. That the proportion of new homes required to be built to part M4(2) be reduced

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:

36. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Supporting Information File Ref No: SI_52

Comment

Consultee	Mr Mark Behrendt [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Home Builders Federation
Address	4 Orchards Way SOUTHAMPTON SO17 1RD
Event Name	Pre-Submission Local Plan
Comment by	Home Builders Federation [REDACTED] [REDACTED]
Comment ID	PSLP_901
Response Date	02/06/21 08:32
Consultation Point	Policy H 8 Self-Build and Custom Housebuilding (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	PSLP_885_Home Builders Federation_SI.pdf
Data inputter to enter their initials here	AT
Question 1	
Respondent's Name and/or Organisation	Home Builders Federation
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 8 Self-Build and Custom Housebuilding

[TWBC: Representations made against STR 1, STR 5, EN2, EN 3, EN 9, H 3, H 6 and H 8 - See PSLP_885, PSLP_892, PSLP_894, PSLP_896, PSLP_897, PSLP_898, PSLP_900 & PSLP_901]

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1. Thank you for consulting the Home Builders Federation (HBF) on the Pre-Submission Local Plan. The HBF is the principal representative body of the housebuilding industry in England and Wales and our representations reflect the views of discussions with our membership of national and multinational corporations through to regional developers and small local housebuilders. Our members account for over 80% of all new housing built in England and Wales in any one year.

H8 – Self-Build and Custom Housebuilding

Part of the policy is unsound as it is not effective.

33. The final paragraph of this policy states that following a six-month marketing period unsold plots it is advised that these then offered to the Council to increase the chance of plots being developed. It is not clear why these should be offered to the Council and why that would increase the chance of the plot being developed as a self-build home. If a plot remains unsold following the marketing period rather than extend the period that this plot remains vacant a more effective policy would be for this plot to be developed and come forward to the market as soon as possible.

Conclusion

35. At present we do not consider the plan to be sound, as measured against the tests of soundness set out in paragraph 35 of the NPPF, in the following key areas:

- Insufficient housing supply to ensure the necessary flexibility and improvements in the delivery of affordable housing;
- Requirement for all homes to be built to the higher option technical standard on accessibility have not been sufficiently justified;
- Sustainable design standards are not consistent with national policy.

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.

Recommendation

34. The final paragraph of policy H8 should be amended as follows:

If a plot/s has been marketed for six months, and a buyer has not been found, it is advisory that the plots are then offered to the Council to increase the chance of plots being developed. If a buyer is not found, then the owner of the plot can build for sale on the open market.

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:

36. As such I can confirm that I wish to participate in the relevant hearing sessions in order to full represent our concerns which reflect the views of discussions with our membership who account of 80% of the market housing built in England and Wales.

Comment

Consultee	Mrs Teresa Homewood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Teresa Homewood [REDACTED]
Comment ID	PSLP_951
Response Date	01/06/21 15:31
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mrs Teresa Homewood
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 2 The Strategy for Paddock Wood Town Centre	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified

Question 5

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The councils proposal to shut access over the railway bridge to all vehicle apart from buses (which only come to Paddock Wood once an hour) would not deter any traffic going to Paddock Wood. It would only ensure longer journeys for anyone living in Paddock Wood as there are only two main routes in and out of Paddock Wood. The railway bridge being one of the two. It would effectively cut Paddock Wood town in half and cause considerable addition vehicle traffic along Maidstone Road for residents who need to go to Maidstone Hospital or who work outside Paddock Wood. It would send every vehicle on an additional 3 mile journey which would have extremely negative impact on the environment. Maidstone Road is used by pupils and parents walking to the primary school and pupils walking to the secondary school. By closing the railway bridge, each vehicle would instead of passing approximately 100 houses would send each vehicle on detour that passes 2 schools, 4 housing estates and the proposed new estate of approximately 3000 plus houses, causing more traffic jams and damage to the environment as well as additional pollution for the children walking to school. The council actually state that the bridge is the only access to Paddock Wood over the railway line. In addition there are two narrow lanes before the bridge, which do not have street lighting or road markings, these narrow country lines would therefore be used as a cut through if the bridge was closed, causing considerable inconvenience and pollution to the residents of these quiet lanes

In addition, there are several local villages where residents travel to Paddock Wood to shop or use the train station. Buy shutting the bridge these vehicles would either have to take 3 mile detour, causing congestion elsewhere or they wouldn't come to Paddock Wood at all and shop elsewhere, which would devastating for the local high street.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question

5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The only modification I can suggest is to not close the railway bridge.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

As a resident of Paddock Wood it is necessary to have representatives at the hearing sessions who are aware of the negative impact the road closure would cause

Comment

Consultee	Mr Colin Honnywell [REDACTED]
Address	[REDACTED] Bishopsden Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Colin Honnywell [REDACTED]
Comment ID	PSLP_152
Response Date	14/05/21 12:16
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Other
Version	0.16
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Colin Honnywell
Question 3	
To which part of the Local Plan does this representation 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	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No
Is sound	No

Complies with the Duty to Cooperate

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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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 EN 1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response to the 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 ENI 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* allocation. See HE's comments on the first draft LP (DLP 4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"

2. The PSLP is not based on sound evidence • Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.

- In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.

- The TP A 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 TP A 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 TP A 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 TP A 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 somepoint be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TP A claims that there is no need for a road safety review because there have been "no personal injury accidents" recorded within 1,000m. Castleton's Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways' email. The email talks of the "heavy car dependency" of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS's plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC's own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.

- Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden's housing in the East End. This is misleading, since the AONB boundary wraps tightly round AL/BE3, which actually overlaps into the AONB in the southwest corner. In any event both sites affect land in the AONB. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.

- Hankinson Duckett Associates's *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither the chapel nor car park are in the area up for development.

3. Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 &4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038. The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC

warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

- **Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .. " This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

- **Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments .. " This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

- **A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy S SP3 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 overruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

- **The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

- **Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the Brownfield Register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not entirely brownfield.

- **Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_ 4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from

a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This is crucial. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

- AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, site 158 would have been among those chosen for Benenden, as originally intended.

- **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans run 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 PSLP's statement AL/BE 3&4) and no cafe (BHS says its cafe was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- **Policy STR1** promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals). Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

- **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP 3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

- There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in the case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

- The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP 3458 High Weald AONB Unit** (which objects to the Plan) : " ... *In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.* "

- The NPPF section 2 para 11 states: *"Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ... that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area."* And see Footnote 6: the policies referred to are those in the Framework ... relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

- NPPF para 177 states: "*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*"

PSLP EN1 para 5. Biodiversity and geodiversity.AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot "increase biodiversity".

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A 'managed' green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than 'unmanaged' green space. Further, the three LWS in AL/BE3 & 4 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3 & 4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3& 4.

4. Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as "mostly PDL". The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to "showindicatively 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 cafe; for the creation of a

hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

5. The PSLP is unsound because of inconsistencies in the treatment of different sites.

(i) **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they *might* be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE 1, "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/BE 3 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/BE 3 and Cleveland Farmhouse (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/BE 3&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 newsite 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/BE 3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. Question 4a is very badly worded. The PSLP's prose entirely suited the opacity of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden

instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Colin Honnywell [REDACTED]
Address	[REDACTED] Bishopsden Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Colin Honnywell [REDACTED]
Comment ID	PSLP_158
Response Date	14/05/21 12:16
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Colin Honnywell
Question 3	
To which part of the Local Plan does this representation 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)	
<i>[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_152, PSLP_158 and PSLP_159]</i>	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468

Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1

Sustainability Appraisal SHELAA

Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was

submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that "I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward."
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only "31 residents from the East End" sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP's approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC's wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), "sacked" her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP's mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE's comments on the first draft LP (DLP_4556) - "we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*"
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden's East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS's response to the Independent Examiner's queries in relation to the BNP. TPA's information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states "There is an intermittent pavement along GGR". The GGR is a long road running from New Pond Road to Castleton's Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is

not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground.

AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

1 **Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.**

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS

and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling,

AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Clevelands Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the 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**
- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.
- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.
- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.
- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*

. Also, the NPPF section 2 para 11
PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the

LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, "the site lies within, or very close to the relevant impact risk zone for Parsonage Wood", a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) "Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval." The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that "the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern". This is contrary to the views of TW's 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children's nursery and that there is a pavement on both sides of Iden Green's main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process 'hostile'. The interactive on-line site was unmanageable. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School." What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's

residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mr Colin Honnywell [REDACTED]
Address	[REDACTED] Bishopsden Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Colin Honnywell [REDACTED]
Comment ID	PSLP_159
Response Date	14/05/21 12:16
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.7
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Mr Colin Honnywell
Question 3	
To which part of the Local Plan does this representation 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)	
<i>[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 3 – see Comment Numbers PSLP_152, PSLP_158 and PSLP_159]</i>	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 Community involvement. EN1: this requirement has not been respected.

- . In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.
- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>
- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council,

that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.
 - . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also

nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.

- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.
- 1 **Policies AL/BE3&4 are not consistent with the PSLP’s Vision objectives nor with its strategies, nor with KCC’s policies, nor with the NPPF.**

- The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.
- The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.
- Policy PSTR/BE1**, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.
- Policy STR 2** "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.
- A masterplan is essential to avoid current inconsistencies on the size of areas to be developed:** AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?
- A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.
- The PSLP claims building will only be within existing footprints**, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.
- Policy STR 3** calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.
- Policy STR 5** states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports

facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

- . **Policy STR 6** proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.
- . AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.
- . **PSLP paras 5.453 and 5.467** state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).
- . **Para 5.414** "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.
- . **Policy STR 6** The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.
- . **Cycle routes:** The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.
- . The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland's Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists,

namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

- . **Policy STR 7** proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

- . **Policy STR1**

- . **Policy STR 8** states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

- . The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

- . There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

- . The PSLP claims that the hospital development "has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings" (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit's own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : *"....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan."*

- . Also, the NPPF section 2 para 11

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*” It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC’s April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners’ consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital’s café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village (“The Society is not a transport provider” is BHS’ response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills’ comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound

to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

- . **Uphill, AL/BE1** is described as having archaeological potential (para 5.428) requiring possible mitigation measures. This is not because of historical finds on the site, but because they might be found. A listed manor house lies on the other side of New Pond Road and, according to AL/BE1, “the site lies within, or very close to the relevant impact risk zone for Parsonage Wood”, a SSSI which is, in fact, several miles away. The archaeological significance of AL/BE 3&4 is far more certain and substantial. The hospital sites are where a bronze age palstaff was found (see the National Monument Register - SMR Number /Hob UID)) and the sites lie close to two ancient routeways. A Roman Road runs west-east (on BHS farmland) a few yards to the south of AL/BE3 and a medieval drove road (GGR), runs west-east between the two sites. Further, two Grade II Listed Buildings are sited here, also on BHS land. The Lister building stands a few yards to the west of AL/BE3 and Cleveland Farm house (the farmyard of which BHS is trying to develop separately and simultaneously as if a minor planning project) lies a few yards to the south. Instead of mentioning these facts, AL/BE3&4 reads (5.456 and 5.468) “Kent County Council states that the site includes significant archaeology, which could be dealt with through suitable conditions on a planning approval.” The imbalance in the treatment of the two sites is substantial and suggests prejudice.
- . The SHELAA assessment of site 158 suggests a potential yield of 50-65 houses, but then concludes that only the Uphill part of the site is suitable (20 houses). It states that “the remainder of the site is sensitive in landscaping terms and there is concern regarding scale and impact on the character of the landscape and settlement pattern”. This is contrary to the views of TW’s 2006 SA; to the TW 2018 document proposing 174 houses; and to the first draft of the LP. The dismissal of 158 as a suitable site is not supported by the evidence and suggests prejudice.
- . Site 222, west of the cross roads, was also considered in 2006, as a possible site for the new village school, though it was not one of the top two sites put to a referendum. The SHELAA suggests 222 has a potential for 76 houses. The site is considered unsuitable partly because the new LBD, if adopted, will exclude all houses west of the cross roads, when the village actually extends a considerable length along this road to the west. There is no mention of the fact that the owners of this site are offering the pond at the south west corner of the crossroads as village green space. The dismissal of 222 is not supported by the evidence and suggests prejudice.
- . The SHELAA suggests a capacity of 26 houses at Site LS8 in Iden Green, stating that it lies adjacent to the recreation ground and a children’s nursery and that there is a pavement on both sides of Iden Green’s main road. It fails to mention that the easternmost side of this pavement connects the village to the village primary school. The SHELAA dismisses the site as unsuitable saying that it is located in a remote location relative to services, facilities and public transport, but this site is far less remote than sites AL/BE 3&4. The dismissal of site LS8 is not supported by the evidence and suggests prejudice.
- . The proposed new LBD has been constructed so as to include the new site at Uphill and to exclude 222, when in fact, the actual built development extends westwards from the crossroads and includes site 222. The LBD is ignored in respect of AL/BE3&4. Manipulation of the LBD to suit allocated sites is inappropriate.

As a general comment, I have found the process unnecessarily difficult to navigate. In fact, from the point of view of the ordinary lay-man, I would term the process ‘hostile’. The interactive on-line site was unmanageable. The PSLP’s prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) “However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.” What does that mean?

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school.

Paragraphs 5.421 and 5.422 should be omitted.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

1. The Sustainability Appraisal (SA) is misleading. Table 58 on page 163 states that all Benenden sites "lack services, facilities and travel options". This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children's playground. AL/BE 3 & 4 are three miles north east of the village with no daily bus service and no amenities whatsoever.
2. The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
3. The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to

STR2, to the NPPF and to KCC policy on climate change.

4. Appendix L (pp331-2) shows Scores for Reasonable Sites in Benenden. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and lack of services and facilities including public transport at the settlement." This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there.

5. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ..." Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?

6. Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.

7. Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

8. In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Horsmonden Parish Council [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Horsmonden Parish Council [REDACTED]
Comment ID	PSLP_133
Response Date	14/05/21 16:28
Consultation Point	Policy AL/HO 3 Land to the east of Horsmonden (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	Horsmonden Parish Council
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Horsmonden Parish Council's comments on the earlier Consultation are reiterated.

[TWBC: see Horsmonden Parish Council's previous Regulation 18 Draft Local Plan comments, which are on the Local Plan website at <https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/previous-stages/local-plan-comments> as follows:

DLP_1732 – Policy STR 1: The Development Strategy

DLP_1733 – Policy STR/HO 1: The Strategy for Horsmonden parish

DLP_1734 - Policy AL/HO1 Land adjacent to Furnace Lane and Gibbet Lane

DLP_1735 - Policy AL/HO2 Land south of Brenchley Road and west of Fromandez Drive

DLP_1736 - Policy AL/HO3 Land east of Horsmonden
DLP_1739 - Policy STR 3: Masterplanning and use of Compulsory Purchase powers
DLP_1740 - Policy STR 5: Essential Infrastructure and Connectivity
DLP_1741 - Policy STR 6: Transport and Parking
DLP_1751 - Policy STR 7: Place Shaping and Design
DLP_1752 - Policy STR 8: Conserving and enhancing the natural, built, and historic environment
DLP_1754 - Policy STR 9: Neighbourhood Plans
DLP_1755 - Policy STR 10: Limits to Built Development Boundaries
DLP_1757 - Policies EN2-32 (Environment and Design, Natural Environment, Air, Water, Noise and Land)
DLP_1756 - Policy EN2- Sustainable design and construction
DLP_1758 - Policy EN 11: Net Gains for Nature: biodiversity
DLP_1759 - Policy EN 21: High Weald Area of Outstanding Natural Beauty (AONB)]

In addition to this, under Policy AL H0 3, point 13, the Council would like the phrase “and a community orchard” to be removed on the grounds that there are various other possibilities in that space which Horsmonden Parish Council is currently exploring.’

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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_80

Comment

Consultee	Nick Farthing [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Hospice in the Weald
Address	Hospice in the Weald Maidstone Road Tunbridge Wells TN2 4TA
Event Name	Pre-Submission Local Plan
Comment by	Hospice in the Weald [REDACTED]
Comment ID	PSLP_1505
Response Date	04/06/21 13:37
Consultation Point	Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road (View)
Status	Processed
Submission Type	Email
Version	0.3
Files	Land north of Hospice in the Weald.jpg
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Hospice in the Weald
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Paragraph 5.691

Policy AL/PE 4 Land at Downingbury Farm, Maidstone Road

Policy Map 67 and Inset Map 29

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.

Draft Policy AL/PE4: Land at Downingbury Farm, Maidstone Road, Pembury allocates land to the West of map 67 for residential development for approximately 25 dwellings (including 40% affordable housing) and safeguards land to the east for the expansion of the Hospice in the Weald (HitW). Our comments relate to both policy AL/PE4, map 67 and accompanying paragraph 5.691.

In our view the Plan is not sound due to Policy AL/PE4 (including map 67) and the reasoning in paragraph 5.691 not being justified, as an alternative, more appropriate and reasonable strategy for the site is available, as explained below. In addition, the plan is not effective due to the requirements in Policy AL/PE4 creating a barrier to deliver the crucial expansion of HitW facilities as detailed below.

We support the draft wording of the supporting text in paragraphs 5.688 – 5.696 in general terms, as it retains land within the allocation to be safeguarded for the HitW, but we strongly object to the reference in 5.691 and parts 5 and 8 of policy AL/PE4 (which are duplications), which state that the delivery of housing should be tied with the provision of land for the HitW expansion.

The HitW's interest and expertise lies in the specialist fields of health and palliative care. It does not extend to the needs and delivery of land for housing and/or the environmental merits or otherwise of introducing housing on the western land parcel of the draft allocation in AL/PE 4. As such, we consider the draft allocation AL/PE4 is ill-conceived in placing both the expansion of the hospice and new housing in jeopardy with the hospice's ability to respond quickly to health and palliative care needs potentially being bound into the vagaries of housing market. This will hinder the hospice's ability to provide the necessary care for patients and to unfold its growth plan at the optimal time. We consider, therefore, that the different land uses should be separate allocations. The housing proposed to the west of the draft allocation is not specialist housing linked to the hospice, it is market housing with an element of affordable housing, which will be developed and accessed independently of the safeguarded land to the East. The two pieces of land are proposed to be separated by a landscape bund, which provides a distinct boundary between the two parcels, and accessed independently.

Discussions between the HitW and the land owner of the safeguarded land are ongoing. The following submissions relate solely to the need / merits of an allocation to safeguard an area of land to support the future needs of the HitW.

At present the parcel of land to the north of the HitW lies within the Green Belt and part of the site is within the Area of Outstanding Natural Beauty. It is important, therefore, that in this period of review and in re-considering the development strategy for the Borough to the 2038 horizon, that all

interests are carefully considered and planned for in advance, including those of the stakeholders of draft allocated sites.

Key to this is foresight and flexibility. In this regard, Part (d) of paragraph 81 of the National Planning Policy Framework (NPPF) requires that planning policies, ‘...be flexible enough to accommodate needs not anticipated in the plan ... and enable a rapid response to changes in economic circumstances.’ Flexibility, therefore, and the ability of land use policies to be able to respond positively to changing physical, economic, social and political circumstances, quite rightly, lie at the heart of the Government’s Framework for growth and change. To these ends we are supportive of the objectives of draft Policy AL/PE4, which recognises the social importance of the HitW to the communities of Kent and East Sussex and directly responds to the unique physical constraints and limitations of the Hospice’s site in Pembury. That said, we have serious reservations of the need/benefit of the land’s inclusion as part of a housing allocation. In the interests of flexibility and to enable the hospice to respond to its medical needs it must be addressed through a separate policy allocation and not tied with a housing allocation. This has a very real potential to hinder and frustrate delivery of the HitW care facilities.

Some background on the HitW, and why the expansion is required:

The Pembury site of the HitW is the hospice’s main base for in-patient care, counselling, bereavement support and education/training – it is critically important too, to support and administer the hospice’s out-reach and medical care services, which cover West Kent and North East Sussex.

The core care facilities offered at Pembury have developed and expanded in response to local demand. Whilst the current operation of the site is manageable, in order to maintain the highest standards of care and provide more care to more people living across the Weald, it is essential that HitW has the facility to be able to expand responsibly and sensitively in Pembury – the village that has become its centre of operation. The current site has reached capacity and within the next 18 months the facilities on the site will need to be improved and expanded, with the possibility of introducing new, ancillary specialist services to provide support for seriously ill children, young people and their families.

There are a number of possibilities for the future of the safeguarded land including a Cottage Hospice, a Childrens Hospice and/or expanded care and service facilities. The introduction of any additional care facilities or a specialist children’s unit would benefit from the existing professional expertise, experienced highly trained staff and volunteers and common facilities such as servicing, storage, café, parking, etc on the main site. The integration of current and future uses, the promotion of dual use facilities and the economies of scale all support the continued and efficient running of the hospice’s core facilities. The Trustees of HitW have discussed the matter at length and confirmed their decision that the integration of facilities and services is key and can only be achieved efficiently through carefully planned expansion at Pembury. The safeguarding of the land to the north provides the flexibility and the facility to achieve this and the Trustees of HitW aim to be ready to make a planning submission within 6-months.

The physical constraints of the Pembury site are such that opportunities for growth are very limited or do not exist at all. The site is triangulated and is bound to the east by Maidstone Road and to the west by the rear gardens of properties fronting onto Elmhurst Avenue: the two converge at the southern-most end of the site. Other than relocating the entire facility or providing further facilities offsite elsewhere – both costly and inefficient solutions – the only growth avenue open to the hospice is to expand sensitively to the north. To that end we are supportive of the Council’s forward-thinking solution to safeguard part of site AL/PE 4 for future growth.

To this end, the inclusion of safeguarded land to the north of the HitW within draft policy AL/PE4 for the future expansion of the Hospice is fully supported. However, the HitW disagree that it should be a requirement of the policy to tie the delivery of housing to the west with the expansion of the Hospice. The two land uses are unrelated. It is essential therefore that one is not reliant on the other for delivery. In view of this, the requirement of parts 5 and 8 of the policy (which are duplications) and paragraph 5.691, to tie the delivery of both the housing and expansion of the Hospice together through a legal agreement, is wholly unreasonable and unnecessary and has the potential to frustrate/hinder the delivery of the HitW’s new facilities.

There is no justification to link the two developments. As such we propose a separate allocation of the land to the east of the allocation, along with associated modifications, as set out below.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this 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.

Proposed Modification: Draft Policy AL/PE 4 to be revised (along with Map 67, the Pembury Policies Map – inset Map 29, and paragraph 5.691) to remove reference to the safeguarded hospice land and a new policy to be included within the Submission version of the Local Plan along with a map to accompany the policy relating specifically to the safeguarded land for the expansion of the HITW (as below). The suggested draft wording for such an additional policy could be as follows: (TWBC comment: map included as an attachment to comment)

Land north of Hospice in the Weald

The site, as defined on the Pembury Policies Map is allocated for the potential expansion of the Hospice in the Weald, as indicated on the block plan (in pink), above. Development on the site should accord with the following requirements:

1. Vehicle access is gained via the existing Hospice in the Weald site; 2. The layout and design of any scheme shall give full consideration to the site's edge of village location, being informed by a landscape and visual impact assessment and heritage assessment, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers to the north and north west of the site, to protect neighbouring properties and retain existing hedgerows and mature trees. 3. The layout and design of the scheme shall take account of the impact on the setting of heritage assets, including adjacent listed buildings and the Downingbury Farm historic farmstead. 4. Regard should be given to the Groundwater Source Protection Zone affecting the site, in consultation with the Environment Agency.

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 properly identify the need for the modifications and to answer any questions on the above comments, if necessary.

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_44

Comment

Consultee	David Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	David Hughes [REDACTED]
Comment ID	PSLP_674
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	0.4
Files	dh TWBC Plan Capel PW STR SS 1 29 5 21.pdf
Question 1	
Respondent's Name and/or Organisation	David Hughes
Question 3	
To which part of the Local Plan does this representation 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 for Paddock Wood, including land at East Capel	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I attach my representation by pdf format below Question 8

[TWBC: for ease of reference representation copied here]:

28th May 2021

Representation on the TWBC Reg 19 Local Plan Consultation relating to the East Capel and Paddock Wood Development Plan

Policy STR/SS 1

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Introduction

As a local resident, I write to object strongly to TWBC's plans to build 3,450 new homes at Capel and Paddock Wood because the plans are not justified and unsound for the reasons set out below, particularly so alongside 2,800 new homes in a nearby planned 'garden settlement' in Tudeley. I also believe the plan will create considerable risks for and a major long term financial burden on TWBC.

Personal and Professional Background

I have lived in West Kent for almost all my life, living and going to school in Tonbridge and commuting from Tonbridge station. I have known Paddock Wood, Tudeley, Five Oak Green and Capel for nearly 60 years and we have owned a house in the area for some 35 years.

For over 10 years, I have been the Chief Investment Officer of a large, listed sustainable infrastructure group with some 300 infrastructure investments. These infrastructure investments include renewable energy and waste to energy plants, waste processing plants, hydropower, roads, wastewater treatment plants and affordable housing. So, I am experienced in assessing such plans and their risks, particularly from a long term financial view.

When I was a child, Paddock Wood and its environs was prime farming country with quiet country lanes, orchards and hop fields. Over the 60 years, the town and area have lost their farming focus with commuting from and within the area now predominating, with consequent traffic, parking and transport pressures. The lanes are no longer quiet. Tonbridge has grown substantially and similarly developed into a commuter focused town, as has Tunbridge Wells, both again experiencing the same increasing pressures.

Forecast Demand in the Borough

As explained below, many aspects of the Pre Submission Local Plan, the Infrastructure Delivery Plan, the Viability Assessment and the Sustainability Appraisal plus related Appendices prepared by TWBC are, from financial and risk viewpoints, **inadequately assessed and unsound**, some being based on unrealistic and arguably naive assumptions and if implemented could ultimately create contingent costs and long term financial burdens on TWBC and also significant additional burdens on Tonbridge and Malling BC.

This entire planning process is based on a forecast. The forecast annual demand across the Borough is for 678 houses. In my experience as an infrastructure investor, I have found forecasts are just that, in that they are rarely met, often missed, delayed, based on wrong or false assumptions and are almost always adversely impacted by factors which were either incorrectly assessed or not even considered at all. The same is highly likely to apply to this forecast and the above two development plans. The two plans are essentially large commercial construction projects and, to be implemented effectively, require major support and infrastructure investment from various public and private sector parties over the long term which might only partially be made or not at all.

I shall leave aside any argument about how the considerable potential development profits and potential costs are not shared appropriately with TWBC.

The Alternatives

Through these plans, TWBC are endeavouring to meet a 20 year forecast in two, large, simultaneous steps which is simply unnecessary if only 678 dwellings are required annually.

A more local series of small, incremental, Borough wide, sympathetically designed housing developments, which could include some further gradual development around Paddock Wood, would be much more financially sensible, prudent, more controllable and much lower risk for TWBC and all the other relevant parties and so in practice be more flexible and achievable. The two plans are **not justified** on these bases. The Times recently indicated that 106,000 homes were forecast to be required in the whole of South East England in the next five years, of which no less than 3.2% are proposed in one small area of just one Borough which seems excessive and not necessary.

East Capel and Paddock Wood

The plan for East Capel and Paddock Wood envisages 3,450 new dwellings, of which 40% will be affordable homes. With 2.26 people forecast per dwelling, this implies 7,800 new residents. The Tudeley plan envisages 2,800 new dwellings being built, implying 6,300 new residents, together totalling 14,000 new residents, comprising perhaps 4,000 children (1,800 at Tudeley and 2,200 at Capel/PW) and 10,000 adults, if both proceed. Similarly, in terms of cars, it is likely that these residents will own some 6,000 cars (3,300 at Capel/PW and 2,700 at Tudeley) as some families with a working parent may need two cars while some elderly people may not have cars.

These two capital intensive and high risk projects are concentrated in one small area of the Borough where the existing infrastructure is poor or non-existent at Capel and Tudeley and so completely new infrastructure or heavily upgraded infrastructure will be required. To succeed, all the relevant infrastructure providers will need to agree and coordinate their investment programmes but, because the two projects are so long term, I believe investment returns are unlikely to be considered sufficiently attractive in the first few years to justify the major investment required, casting doubt on their implementation and viability. With two projects, almost double the capital expenditure will be required but by being close to each other, both projects will impinge on the other, potentially slowing the rate of sales (and infrastructure returns) of each. Phasing of all the infrastructure investment will be important and if not done or only partially done, the viability of the projects will again be brought into doubt. **The plans are accordingly not effective and unsound.**

Because of their close proximity, the two plans and their impacts are intertwined hence I have felt obliged to refer to both in the following paragraphs which cover the principal elements of the Capel and Paddock Wood plan which are considered unsound.

Impact on Tonbridge

Neither the Capel and Paddock Wood plan nor the Tudeley plan makes little if any real reference to the impact on nearby Tonbridge or to any consultation about these plans with Tonbridge and Malling BC. Tonbridge is already under much pressure and, as a result of both developments, will experience much heavier congestion, much greater pressure on schools and facilities, greater numbers of commuters and incur considerable additional costs. Parking in Tonbridge is a particular issue already.

Tonbridge and Malling BC will bear much of the brunt of the practical issues arising from these developments. If both developments proceed, this will create a Tonbridge/Paddock Wood 'super town.' However, Tonbridge and Malling BC will receive no extra cash to cover these high additional costs.

There is no mention of how this development might impinge on, disrupt or possibly even support the plans of Tonbridge and Malling BC. This is an example of TWBC merely offloading issues and costs to third parties by not planning properly. Without detailed consultation with Tonbridge and Malling BC, of which there is little evidence, and further investment in Tonbridge, **the plan is not justified or effective and so is unsound.**

Education

With only two primary schools and an expansion of Mascalls proposed, the plans to meet the educational needs of 2,200 children from East Capel/PW are simply inadequate, ignoring the needs of the many children from the other current developments in Paddock Wood itself. The planned provision for nurseries is similarly inadequate. For the 1,800 children from Tudeley, it is proposed to establish one new secondary school and one new primary school and expand Capel Primary School. Even when built, common sense says this secondary school of perhaps 1,000 pupils, new primary school of say 200 children and expansion of the small Capel primary school will be inadequate, and particularly so if both proceed. The remaining children numbering perhaps 1,500/2,000 will need to be driven or bussed daily to either Tonbridge or Tunbridge Wells (at least 50 or 60 busses twice or more each day). There is already incredibly strong existing demand for places in the good local schools in Tonbridge and Tunbridge Wells. It is naïve to think that some 1,500/2,000 pupils will somehow be absorbed in the existing schools in these two towns - in practice many pupils will have to be driven or bussed far away to Maidstone or Sevenoaks, all adding to traffic and congestion.. In reality, another two or possibly three large schools will need to be built by KCC if both projects proceed. There will inevitably be children with special needs, the cost burden of which will fall on KCC and TWBC.

Again, TWBC will be simply be imposing these education costs elsewhere, displacing the education of children in other Boroughs and creating congestion, particularly in Tonbridge and Tunbridge Wells.

The plans make no assessment of these education and congestion costs or whether KCC can or will agree to fund these new schools. **So, the plans are not effective and are unsound.**

Healthcare

Regardless of whether one or other or both projects proceed, the number of new residents will necessitate new healthcare facilities, the plans envisaging one new GP surgery which will be particularly busy and will require some 6 to 8 doctors plus support staff. If both proceed, there will be 14,000 new residents ultimately requiring these healthcare services. There will be considerable extra pressure and costs imposed on Pembury Hospital which is already strained. As stated in the plan, a significant number of the adults are likely to be over 65 and elderly, some with special needs and as they age, increasing demands will be made on local health services. The same will apply to the up to 4,000 children. All this will impose significant additional and increasing social services costs on TWBC and medical provision costs on the local Health Trust.

The plans do not properly address these issues nor quantify these costs so are **not effective and are unsound** and will impose potentially large contingent costs on TWBC.

Traffic Congestion. Roads. Rail, Parking and Public Transport

With some 3,000 to 6,000 additional vehicles, existing traffic congestion will become appreciably worse. The already busy **A228 road** to Pembury will be heavily used by these new cars and will need widening at considerable cost, none of which appears to be included in the plans. The Capel plan implies only £Gm will spent on improving links to this road. At peak times, there is already considerable congestion on the A228 and the roundabout at Five Oak Green and around Pembury and Tonbridge which will all be exacerbated by these additional vehicles. As regularly evidenced by sirens, the A228 is a major route for ambulances going to and from Pembury Hospital and it is perfectly possible that this congestion will threaten lives.

The already busy Tonbridge/Five Oak Green **B2017 road** will be heavily used by these new cars and is already in poor condition, being originally a country lane. This will be one of two principal access roads to the Tudeley garden settlement (the other being the feeder road from the A228) and as it stands will be totally inadequate when used by 3,000 to 6,000 new cars plus busses plus cyclists plus waste lorries and heavy construction traffic (possibly over 20 years). It is bumpy, windy, narrow in parts, prone to surface water flooding and if a cyclist is in front, prone to delay as you cannot pass. The plans make much of increased cycling but that will become increasingly dangerous on this road.

The road has moved and settled over time, suggesting compaction and poor foundations. It will deteriorate further quite rapidly with increased daily use from up to 6,000 vehicles and heavy construction traffic. In other words, it will need to be both widened and effectively rebuilt. The Tudeley plan envisages only £3.1m being spent on widening which is totally inadequate. The proposed much shorter Capel by pass to the Tudeley garden settlement across open fields is estimated to cost £45m (only half the cost of which is included in the plans) which gives an indication of likely costs which could easily be a multiple of this figure.

The plans are **not effective** in this regard.

With 50% of the working adults likely to **commute to London**, inadequate **parking** at Paddock Wood Station and with parking at Tonbridge normally full, there will be a major increase in journeys and congestion from 'dropping people off from the developments in Paddock Wood High Street or by Tonbridge Station and much illegal street parking in Paddock Wood High Street or Waitrose Car Park waiting for commuter trains to arrive. There is no scope to significantly increase such parking. Similarly the plans say that no extra trains can be made available so about 1,000 new commuters will try to travel at peak times on the few existing trains (which number is equivalent to some two or three additional trains). This will create overcrowding and adverse, knock on effects on other passengers further up the main line.

The plans do not properly address these issues and so are **not effective and unsound** in this regard.

Parking on the East Capel development is inadequate and insufficient for visitors.

The plans refer to making increasing use of **public transport**. In the plans, private bus companies have stated they will not run services at a loss and the plans show £3m of total bus subsidies. If these are insufficient, the costs of the services will contingently and ultimately fall on TWBC. The plans refer to creating **bus lanes and cycle lanes**. These will again necessitate road works and widening at yet again considerable cost to KCC. Again, there is no indication that KCC will bear these costs, casting doubt on timing and viability.

The plans have not been properly assessed and so are **not effective and unsound** in respect to these two aspects.

The Capel/PW plan proposes £5m will be spent on cycling routes and improvements while the Tudeley plan proposes £17.5m. This investment makes big assumptions about the take up of cycling by 14,000 new residents which I think are likely to be overoptimistic given the demographics.

Water and Flooding

The plans acknowledge Kent suffers severe water stress. The water needs of 14,000 people will create further localised stress. The current water supply infrastructure in the area is already inadequate and certainly insufficient to supply 14,000 new residents. The Capel/PW plan envisages only £220,000 being spent on water connection and the Tudeley plan only £154,000. This is another example of both plans simply pushing the cost of building major infrastructure onto another party which may or may not do so in their own time. In the medium term, the water shortage can only be met properly by further investment at Bewl Water or new reservoirs as aquifer abstraction is already excessive. The plans refer to residents reducing water usage to 110 litres per person per day but this is likely to be an unrealistic and possibly naïve assumption as water consumption is currently much higher.

Paddock Wood already suffers from inadequate sewage and waste water systems, as demonstrated by several sewage floods to the East of the town over recent years. Because of the flat, low lying nature of East Capel, all water will need to be pumped in and away requiring yet more investment which yet again is not assessed or quantified. The Tudeley and Capel/PW plans have each budgeted only £450,000 for sewage and foul water works which is woefully inadequate for 14,000 people.

The plans are **not effective and unsound** in this regard.

With the River Medway, Kent's biggest river, **flooding** regularly, this has major ramifications for any development around Capel, Paddock Wood and Tudeley. I remember the severe floods of 1968 (with landing craft going down the sandbagged Tonbridge High Street) while other severe floods occurred in 2000, 2001, 2013, 2014 and 2019 despite the Leigh flood barrier being in operation (please refer to the web for pictures and videos). The Medway contains much treated sewage water so any such flooding has other effects.

Surface water flooding in the area is frequent, connected with overflowing streams, drainage and sewage. East Capel is particularly prone to flooding. The small streams are prone to blocking during

heavy rain which causes local flooding. Only in January 2021, Badsell Road was blocked by flooding, with an AA van parked nearby for two days to pull out cars from the flood. Nearby Five Oak Green is prone to surface water flooding and I clearly remember the Fire Brigade pumping out houses on occasion in the last few years. In heavy rain the B2017 can be dangerous from surface flooding as I have personally experienced while the A228 near Whetsted suffers similarly. The fields where the East Capel development is proposed are often waterlogged in Winter. The proposed North Paddock Wood development will be similarly liable to flooding.

Surface water flooding is a bigger problem than fluvial or sea flooding nationally and so the East Capel site is doubly prone. These are major problems which have not been properly considered and **so the plan is not effective and is unsound**. If the East Capel and Northern Paddock Wood development areas regularly flooded, that part cannot be sustainable so **the plan is inconsistent with national policy**.

In other words, the question is when, not if, will the inevitable flooding occur.

The following comments (a) to (g) relate to flooding at East Capel and Paddock Wood:

- . The plan indicates suitable steps will be taken to mitigate the risk of flooding but this will require major investment in bunds, flood gates and barriers, flood storage, drainage and pumps. The plans are not particularly clear referring to £991,000 to be spent on flood defences and a raised platform costing £5.3 million. This will be totally inadequate to protect 3,450 homes on a flood plain which is also prone to surface water flooding. Again the nature and costs of such mitigation measures are not properly explained nor is how such costs will be borne, by whom and over what time period. However, given the flat nature of the land, it is likely to be £10s of millions, not low£ millions;
- . Any such flood mitigation measures will disturb water flows and ground water, increasing the risk of flooding on neighbouring land and properties, as well as increasing flood risk. This may well require even more mitigation measures about which there is no mention at all;
- . Flooding causes insurers their biggest losses by far. Given their heavy losses from increasing floods nationally, insurers are increasingly selective about insuring properties on flood plains and without that mortgages cannot be obtained. **Without good mortgage availability, the East Capel and Northern Paddock Wood developments would simply not be viable. I did not find references in the plans to this key underlying assumption nor to the likely attitude of insurers or the cost of flood insurance.** Flood insurance rates could be high and, after the first flood, might only be obtainable at expensive rates or on unacceptable terms or possibly not at all, leaving homeowners stranded with unsellable homes. This has already happened elsewhere in the UK. As a sustainable infrastructure investor, I am putting increasing weight on the possibility of an asset becoming stranded from such environmental events and will not approve such investments;
- . These houses will be expensive but with the enhanced flooding risk, it is likely that they may have to be sold relatively cheaply, below the forecast prices, to attract. This casts doubt on the financial viability of the scheme but yet again the plan makes no reference to this possibility;
- . As the East Capel and Northern Paddock Wood sites will be developed in phases over 20 years, flooding during that time is inevitable. It is possible that the site might then be only **partly finished** and not developed any further post such flooding. In that event, it is highly likely that planned improvements, infrastructure and facilities will not be completed or built - in other words, the plan as currently envisaged would then only be partially implemented which casts doubt on its objectives being met and

This has not been assessed and so the plan is **not effective and particularly unsound** in this regard.

- . Much is said in the plan about Suds on which only £745,000 is proposed to be spent for 3,450 dwellings but this ignores the fact that the water table is already high and just mimicking nature will not help the water drain away - it will need to be pumped away to be effective, again requiring significant investment and cost which is again not assessed or
- . Finally, following the inevitable floods, TWBC will incur considerable costs dealing with the aftermath g. emergency shelter, displaced families, damaged infrastructure, as will the KCC and the emergency services. With ever more limited financial and human resources, TWBC would do well to avoid this risk and potentially large costs, never mind the reputational impact.

The plan is **not effective and particularly unsound** in the above regards.

Electricity, Gas and Broadband

As no new houses can be connected to the gas grid from 2025, the two developments will need to be powered entirely by electricity. This will require extensive investment in major HV transmission lines and stepdown transformers, particularly as new EV charging infrastructure will be required eventually for some 6,000 cars given that petrol and diesel cars will be phased out after 2030. All the cables will need to be buried. This is a major engineering task in addition to road building, road widening, school building, GP surgery, sports facilities etc. The Capel/PW plan budgets £10.5m and the Tudeley plan budgets £11.5m solely for electricity connections and diversions with no discussion about grid infrastructure or who pays for these or how construction will be phased. In my experience, the cost of the grid infrastructure and substations will be many £millions and will not be installed for several years. If completely new generation capacity and HV systems are needed, I broadly estimate this will cost over £100m for the two developments.

FTTH broadband will be relatively more straight forward to install.

The plan is unclear on this important aspect and so is **not effective and unsound** as a result.

Waste Disposal

The disposal of waste from up to 6,250 new homes will require TWBC and KCC to invest in more waste disposal facilities. This will create yet more heavy vehicle movements on already congested roads and add to the waste already trucked away from North Farm. These additional costs do not seem to be factored into the plans and will be a charge on the annual rates which would rise slowly over time to a total of only some £10m once all 6,250 homes had been built.

Affordable Homes

Although there is a clear and pressing need for affordable homes, it is important to recognize that these may well impose actual and contingent risks and costs on TWBC. As an example, with joint ownership or rent to buy structures, if the tenant defaults in paying rent whether deliberately or through illness or unemployment, it is difficult for any Council to take any action and particularly not evict, leading to losses and costs. The same is true if the tenant does not properly maintain the rent to buy property or ever behaves in an antisocial manner. Through rent to buy, the Council would usually forgo an element of rent and not participate in any increase in the value of the property. Any Council needs to carefully assess such risks and costs which could be particularly significant for 2,500 houses, being 40% of 6,250 new houses, over say the next 30 years.

Financial Overview

As can be seen from the above, neither the Capel/PW nor Tudeley plan properly addresses the financial implications of many important elements arising from their respective development. The plans make a considerable number of assertions and assumptions, the latter both stated and unstated, about how major infrastructure investments will be made and do not properly assess the risks, timings and potential costs. These include:

- . the touching confidence that S106 or CIL payments from the developers will cover many of these costs. These payments will not be applied to the 40% affordable housing element, only to the privately owned 60% element of the 6,250 homes. The Viability Assessment suggests a CIL of £150 per sq metre and that the average house will be around 100 square metres. So the potential total CIL payments could in theory be around £94m £52m for Capel and £42m for Tudeley) but are subject to negotiation which means they could be appreciably less. The developer will probably only pay over time, perhaps of up to 20 years as houses are built so the net present value will be much lower. Since a lot of investment will need to be made in the early years, there will either be a funding shortfall - to be met by TWBC? - or facilities and improvements will only be built over many years with increasing likelihood they will either not be built at all or only at a smaller scale.

The plans do not show detailed cash flow projections or sensitivities and, more importantly, who or how any funding shortfalls will be met and so yet again are **not justified** and may create large contingent liabilities for TWBC.

- . that all the various government bodies, KCC, organisations and utility and other companies will invest heavily to facilitate these two developments. Against the present Covid backcloth and huge debts, it is unlikely that government bodies or KCC currently have the money to make such major investments while utility and other companies will have many alternative, lower risk projects in which to invest offering better risk adjusted returns. Examples in the plans are the bus and rail companies which have already expressed their reluctance to invest or want subsidies .

As explained, by proceeding with these developments, TWBC will be assuming substantial additional risks and costs at a time when it is particularly cash strapped and resource limited. These costs will not be anywhere near covered by the annual rates charge which I estimate will slowly increase up to £10m in year 20, being an average of say £1,500 per annum on 6,250 houses.

The two developments are expected to take some 20 years to be fully completed. However, much of the infrastructure referred to above needs to be installed within the first few years to enable such development. So sewage pipes and systems, HV transmission lines and substations, water mains etc need to be installed before any significant development can be completed. But there will be few paying customers for the first several years, leading to effectively little or no return on the invested capital for many years. The same point relating to timing then arises about cash strapped KCC investing in new schools and the two £multi million (perhaps £100m?) major road investments. These will not be built for years (which puts in doubt if they will ever be built) meaning the plans as drafted are likely to be fiction. The corollary is that there will be further growing congestion and inadequate infrastructure for many years.

Affordability

House prices in TWBC are the second highest in Kent. The plans emphasise that affordability of the houses will be 'very challenging' and suggest a sales price of £650,000 for a small 4 bedroom 150 square metre house on a large mixed housing estate which will be developed for some 20 years. From a financial perspective, this would not be a good investment as price rises will be low as supply continuously increases over time. From an environmental viewpoint, living in a large building development doubly prone to flooding with a big mortgage and construction ongoing for 20 years may not be overly enticing to potential buyers. I have doubts that people will be able - or possibly willing - to afford these prices and, as the viability of the whole development depends on selling the 60% at these prices to pay for the 40% of affordable housing, it raises doubts about whether the developments will ever be completed. The plan is **not effective or justified** accordingly.

Greenbelt

TWBC seem to have focused on two particularly high risk, high cost, long term developments on the first available flat land in the Borough outside the AONB boundaries, notwithstanding this is protected Green Belt on and near flood plain and largely dismissed smaller, significantly lower cost, lower risk opportunities offering considerably more flexibility to meet demand as it gradually arises over time. Instead, TWBC believe in their own forecasts over 20 years and want to go for two big solutions simultaneously. From a financial and risk viewpoint, this is unwise as forecasts are rarely met and, as explained above, there are big costs and risks attaching to each plan. If a small development does not work, the fall out is manageable which cannot be said of the two developments proposed. With local incremental development, infrastructure investment will also be incremental, more likely to be made and more manageable. As such, I do not believe there are sufficient exceptional circumstances to justify declassifying Green Belt land for these two developments and the plans are **not justified**.

Summary

It is clear for the reasons stated above that the Capel/PW development plan is unsound. It has not been properly assessed in a number of areas, is high risk and high cost in many ways compared to the alternatives and creates large and unnecessary contingent costs on TWBC.

The plan should be dismissed accordingly.

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:

So I may comment on any further consultation on matters raised by the Inspector

If you would like to attach a file in support of your comments, please upload it here. [dh TWBC Plan Capel PW STR SS 1 29 5 21.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_43

Comment

Consultee	David Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	David Hughes [REDACTED]
Comment ID	PSLP_673
Response Date	29/05/21 16:43
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	dh TWBC Plan Tudeley STR SS 3 29 5 21.pdf
Question 1	
Respondent's Name and/or Organisation	David Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 for Tudeley Garden Settlement	
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 attach my response in pdf format below Question 8

[TWBC: attached response has been copied below for ease of reference]:

28th May 2021

Representation on the TWBC Reg 19 Local Plan Consultation relating to the East Capel and Paddock Wood Development Plan

Policy STR/SS 1

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Introduction

As a local resident, I write to object strongly to TWBC's plans to build 3,450 new homes at Capel and Paddock Wood because the plans are not justified and unsound for the reasons set out below, particularly so alongside 2,800 new homes in a nearby planned 'garden settlement' in Tudeley. I also believe the plan will create considerable risks for and a major long term financial burden on TWBC.

Personal and Professional Background

I have lived in West Kent for almost all my life, living and going to school in Tonbridge and commuting from Tonbridge station. I have known Paddock Wood, Tudeley, Five Oak Green and Capel for nearly 60 years and we have owned a house in the area for some 35 years.

For over 10 years, I have been the Chief Investment Officer of a large, listed sustainable infrastructure group with some 300 infrastructure investments. These infrastructure investments include renewable energy and waste to energy plants, waste processing plants, hydropower, roads, wastewater treatment plants and affordable housing. So, I am experienced in assessing such plans and their risks, particularly from a long term financial view.

When I was a child, Paddock Wood and its environs was prime farming country with quiet country lanes, orchards and hop fields. Over the 60 years, the town and area have lost their farming focus with commuting from and within the area now predominating, with consequent traffic, parking and transport pressures. The lanes are no longer quiet. Tonbridge has grown substantially and similarly developed into a commuter focused town, as has Tunbridge Wells, both again experiencing the same increasing pressures.

Forecast Demand in the Borough

As explained below, many aspects of the Pre Submission Local Plan, the Infrastructure Delivery Plan, the Viability Assessment and the Sustainability Appraisal plus related Appendices prepared by TWBC are, from financial and risk viewpoints, **inadequately assessed and unsound**, some being based on unrealistic and arguably naive assumptions and if implemented could ultimately create contingent

costs and long term financial burdens on TWBC and also significant additional burdens on Tonbridge and Malling BC.

This entire planning process is based on a forecast. The forecast annual demand across the Borough is for 678 houses. In my experience as an infrastructure investor, I have found forecasts are just that, in that they are rarely met, often missed, delayed, based on wrong or false assumptions and are almost always adversely impacted by factors which were either incorrectly assessed or not even considered at all. The same is highly likely to apply to this forecast and the above two development plans. The two plans are essentially large commercial construction projects and, to be implemented effectively, require major support and infrastructure investment from various public and private sector parties over the long term which might only partially be made or not at all.

I shall leave aside any argument about how the considerable potential development profits and potential costs are not shared appropriately with TWBC.

The Alternatives

Through these plans, TWBC are endeavouring to meet a 20 year forecast in two, large, simultaneous steps which is simply unnecessary if only 678 dwellings are required annually.

A more local series of small, incremental, Borough wide, sympathetically designed housing developments, which could include some further gradual development around Paddock Wood, would be much more financially sensible, prudent, more controllable and much lower risk for TWBC and all the other relevant parties and so in practice be more flexible and achievable. The two plans are **not justified** on these bases. The Times recently indicated that 106,000 homes were forecast to be required in the whole of South East England in the next five years, of which no less than 3.2% are proposed in one small area of just one Borough which seems excessive and not necessary.

East Capel and Paddock Wood

The plan for East Capel and Paddock Wood envisages 3,450 new dwellings, of which 40% will be affordable homes. With 2.26 people forecast per dwelling, this implies 7,800 new residents. The Tudeley plan envisages 2,800 new dwellings being built, implying 6,300 new residents, together totalling 14,000 new residents, comprising perhaps 4,000 children (1,800 at Tudeley and 2,200 at Capel/PW) and 10,000 adults, if both proceed. Similarly, in terms of cars, it is likely that these residents will own some 6,000 cars (3,300 at Capel/PW and 2,700 at Tudeley) as some families with a working parent may need two cars while some elderly people may not have cars.

These two capital intensive and high risk projects are concentrated in one small area of the Borough where the existing infrastructure is poor or non-existent at Capel and Tudeley and so completely new infrastructure or heavily upgraded infrastructure will be required. To succeed, all the relevant infrastructure providers will need to agree and coordinate their investment programmes but, because the two projects are so long term, I believe investment returns are unlikely to be considered sufficiently attractive in the first few years to justify the major investment required, casting doubt on their implementation and viability. With two projects, almost double the capital expenditure will be required but by being close to each other, both projects will impinge on the other, potentially slowing the rate of sales (and infrastructure returns) of each. Phasing of all the infrastructure investment will be important and if not done or only partially done, the viability of the projects will again be brought into doubt. **The plans are accordingly not effective and unsound.**

Because of their close proximity, the two plans and their impacts are intertwined hence I have felt obliged to refer to both in the following paragraphs which cover the principal elements of the Capel and Paddock Wood plan which are considered unsound.

Impact on Tonbridge

Neither the Capel and Paddock Wood plan nor the Tudeley plan makes little if any real reference to the impact on nearby Tonbridge or to any consultation about these plans with Tonbridge and Malling BC. Tonbridge is already under much pressure and, as a result of both developments, will experience much heavier congestion, much greater pressure on schools and facilities, greater numbers of commuters and incur considerable additional costs. Parking in Tonbridge is a particular issue already. Tonbridge and Malling BC will bear much of the brunt of the practical issues arising from these developments. If both developments proceed, this will create a Tonbridge/Paddock Wood 'super town.' However, Tonbridge and Malling BC will receive no extra cash to cover these high additional costs.

There is no mention of how this development might impinge on, disrupt or possibly even support the plans of Tonbridge and Malling BC. This is an example of TWBC merely offloading issues and costs

to third parties by not planning properly. Without detailed consultation with Tonbridge and Malling BC, of which there is little evidence, and further investment in Tonbridge, **the plan is not justified or effective and so is unsound.**

Education

With only two primary schools and an expansion of Mascalls proposed, the plans to meet the educational needs of 2,200 children from East Capel/PW are simply inadequate, ignoring the needs of the many children from the other current developments in Paddock Wood itself. The planned provision for nurseries is similarly inadequate. For the 1,800 children from Tudeley, it is proposed to establish one new secondary school and one new primary school and expand Capel Primary School. Even when built, common sense says this secondary school of perhaps 1,000 pupils, new primary school of say 200 children and expansion of the small Capel primary school will be inadequate, and particularly so if both proceed. The remaining children numbering perhaps 1,500/2,000 will need to be driven or bussed daily to either Tonbridge or Tunbridge Wells (at least 50 or 60 busses twice or more each day). There is already incredibly strong existing demand for places in the good local schools in Tonbridge and Tunbridge Wells. It is naive to think that some 1,500/2,000 pupils will somehow be absorbed in the existing schools in these two towns - in practice many pupils will have to be driven or bussed far away to Maidstone or Sevenoaks, all adding to traffic and congestion.. In reality, another two or possibly three large schools will need to be built by KCC if both projects proceed. There will inevitably be children with special needs, the cost burden of which will fall on KCC and TWBC.

Again, TWBC will simply be imposing these education costs elsewhere, displacing the education of children in other Boroughs and creating congestion, particularly in Tonbridge and Tunbridge Wells.

The plans make no assessment of these education and congestion costs or whether KCC can or will agree to fund these new schools. **So, the plans are not effective and are unsound.**

Healthcare

Regardless of whether one or other or both projects proceed, the number of new residents will necessitate new healthcare facilities, the plans envisaging one new GP surgery which will be particularly busy and will require some 6 to 8 doctors plus support staff. If both proceed, there will be 14,000 new residents ultimately requiring these healthcare services. There will be considerable extra pressure and costs imposed on Pembury Hospital which is already strained. As stated in the plan, a significant number of the adults are likely to be over 65 and elderly, some with special needs and as they age, increasing demands will be made on local health services. The same will apply to the up to 4,000 children. All this will impose significant additional and increasing social services costs on TWBC and medical provision costs on the local Health Trust.

The plans do not properly address these issues nor quantify these costs so are **not effective and are unsound** and will impose potentially large contingent costs on TWBC.

Traffic Congestion. Roads. Rail, Parking and Public Transport

With some 3,000 to 6,000 additional vehicles, existing traffic congestion will become appreciably worse. The already busy **A228 road** to Pembury will be heavily used by these new cars and will need widening at considerable cost, none of which appears to be included in the plans. The Capel plan implies only £Gm will spent on improving links to this road. At peak times, there is already considerable congestion on the A228 and the roundabout at Five Oak Green and around Pembury and Tonbridge which will all be exacerbated by these additional vehicles. As regularly evidenced by sirens, the A228 is a major route for ambulances going to and from Pembury Hospital and it is perfectly possible that this congestion will threaten lives.

The already busy Tonbridge/Five Oak Green **B2017 road** will be heavily used by these new cars and is already in poor condition, being originally a country lane. This will be one of two principal access roads to the Tudeley garden settlement (the other being the feeder road from the A228) and as it stands will be totally inadequate when used by 3,000 to 6,000 new cars plus busses plus cyclists plus waste lorries and heavy construction traffic (possibly over 20 years). It is bumpy, windy, narrow in parts, prone to surface water flooding and if a cyclist is in front, prone to delay as you cannot pass. The plans make much of increased cycling but that will become increasingly dangerous on this road. The road has moved and settled over time, suggesting compaction and poor foundations. It will deteriorate further quite rapidly with increased daily use from up to 6,000 vehicles and heavy construction traffic. In other words, it will need to be both widened and effectively rebuilt. The Tudeley plan envisages only £3.1m being spent on widening which is totally inadequate. The proposed much shorter Capel by pass to the Tudeley garden settlement across open fields is estimated to cost £45m (only half the cost

of which is included in the plans) which gives an indication of likely costs which could easily be a multiple of this figure.

The plans are **not effective** in this regard.

With 50% of the working adults likely to **commute to London**, inadequate **parking** at Paddock Wood Station and with parking at Tonbridge normally full, there will be a major increase in journeys and congestion from 'dropping people off from the developments in Paddock Wood High Street or by Tonbridge Station and much illegal street parking in Paddock Wood High Street or Waitrose Car Park waiting for commuter trains to arrive. There is no scope to significantly increase such parking. Similarly the plans say that no extra trains can be made available so about 1,000 new commuters will try to travel at peak times on the few existing trains (which number is equivalent to some two or three additional trains). This will create overcrowding and adverse, knock on effects on other passengers further up the main line.

The plans do not properly address these issues and so are **not effective and unsound** in this regard.

Parking on the East Capel development is inadequate and insufficient for visitors.

The plans refer to making increasing use of **public transport**. In the plans, private bus companies have stated they will not run services at a loss and the plans show £3m of total bus subsidies. If these are insufficient, the costs of the services will contingently and ultimately fall on TWBC. The plans refer to creating **bus lanes and cycle lanes**. These will again necessitate road works and widening at yet again considerable cost to KCC. Again, there is no indication that KCC will bear these costs, casting doubt on timing and viability.

The plans have not been properly assessed and so are **not effective and unsound** in respect to these two aspects.

The Capel/PW plan proposes £5m will be spent on cycling routes and improvements while the Tudeley plan proposes £17.5m. This investment makes big assumptions about the take up of cycling by 14,000 new residents which I think are likely to be overoptimistic given the demographics.

Water and Flooding

The plans acknowledge Kent suffers severe water stress. The water needs of 14,000 people will create further localised stress. The current water supply infrastructure in the area is already inadequate and certainly insufficient to supply 14,000 new residents. The Capel/PW plan envisages only £220,000 being spent on water connection and the Tudeley plan only £154,000. This is another example of both plans simply pushing the cost of building major infrastructure onto another party which may or may not do so in their own time. In the medium term, the water shortage can only be met properly by further investment at Bewl Water or new reservoirs as aquifer abstraction is already excessive. The plans refer to residents reducing water usage to 110 litres per person per day but this is likely to be an unrealistic and possibly naive assumption as water consumption is currently much higher.

Paddock Wood already suffers from inadequate sewage and waste water systems, as demonstrated by several sewage floods to the East of the town over recent years. Because of the flat, low lying nature of East Capel, all water will need to be pumped in and away requiring yet more investment which yet again is not assessed or quantified. The Tudeley and Capel/PW plans have each budgeted only £450,000 for sewage and foul water works which is woefully inadequate for 14,000 people.

The plans are **not effective and unsound** in this regard.

With the River Medway, Kent's biggest river, **flooding** regularly, this has major ramifications for any development around Capel, Paddock Wood and Tudeley. I remember the severe floods of 1968 (with landing craft going down the sandbagged Tonbridge High Street) while other severe floods occurred in 2000, 2001, 2013, 2014 and 2019 despite the Leigh flood barrier being in operation (please refer to the web for pictures and videos). The Medway contains much treated sewage water so any such flooding has other effects.

Surface water flooding in the area is frequent, connected with overflowing streams, drainage and sewage. East Capel is particularly prone to flooding. The small streams are prone to blocking during heavy rain which causes local flooding. Only in January 2021, Badsell Road was blocked by flooding, with an AA van parked nearby for two days to pull out cars from the flood. Nearby Five Oak Green is prone to surface water flooding and I clearly remember the Fire Brigade pumping out houses on occasion in the last few years. In heavy rain the B2017 can be dangerous from surface flooding as I have personally experienced while the A228 near Whetsted suffers similarly. The fields where the East

Capel development is proposed are often waterlogged in Winter. The proposed North Paddock Wood development will be similarly liable to flooding.

Surface water flooding is a bigger problem than fluvial or sea flooding nationally and so the East Capel site is doubly prone. These are major problems which have not been properly considered and **so the plan is not effective and is unsound**. If the East Capel and Northern Paddock Wood development areas regularly flooded, that part cannot be sustainable so **the plan is inconsistent with national policy**.

In other words, the question is when, not if, will the inevitable flooding occur.

The following comments (a) to (g) relate to flooding at East Capel and Paddock Wood:

- . The plan indicates suitable steps will be taken to mitigate the risk of flooding but this will require major investment in bunds, flood gates and barriers, flood storage, drainage and pumps. The plans are not particularly clear referring to £991,000 to be spent on flood defences and a raised platform costing £5.3 million. This will be totally inadequate to protect 3,450 homes on a flood plain which is also prone to surface water flooding. Again the nature and costs of such mitigation measures are not properly explained nor is how such costs will be borne, by whom and over what time period. However, given the flat nature of the land, it is likely to be £10s of millions, not low£ millions;
- . Any such flood mitigation measures will disturb water flows and ground water, increasing the risk of flooding on neighbouring land and properties, as well as increasing flood risk downstream. This may well require even more mitigation measures about which there is no mention at all;
- . Flooding causes insurers their biggest losses by far. Given their heavy losses from increasing floods nationally, insurers are increasingly selective about insuring properties on flood plains and without that mortgages cannot be obtained. **Without good mortgage availability, the East Capel and Northern Paddock Wood developments would simply not be viable. I did not find references in the plans to this key underlying assumption nor to the likely attitude of insurers or the cost of flood insurance.** Flood insurance rates could be high and, after the first flood, might only be obtainable at expensive rates or on unacceptable terms or possibly not at all, leaving homeowners stranded with unsellable homes. This has already happened elsewhere in the UK. As a sustainable infrastructure investor, I am putting increasing weight on the possibility of an asset becoming stranded from such environmental events and will not approve such investments;
- . These houses will be expensive but with the enhanced flooding risk, it is likely that they may have to be sold relatively cheaply, below the forecast prices, to attract purchasers. This casts doubt on the financial viability of the scheme but yet again the plan makes no reference to this possibility;
- . As the East Capel and Northern Paddock Wood sites will be developed in phases over 20 years, flooding during that time is inevitable. It is possible that the site might then be only **partly finished** and not developed any further post such flooding. In that event, it is highly likely that planned improvements, infrastructure and facilities will not be completed or built - in other words, the plan as currently envisaged would then only be partially implemented which casts doubt on its objectives being met and viability.

This has not been assessed and so the plan is **not effective and particularly unsound** in this regard.

- . Much is said in the plan about Suds on which only £745,000 is proposed to be spent for 3,450 dwellings but this ignores the fact that the water table is already high and just mimicking nature will not help the water drain away - it will need to be pumped away to be effective, again requiring significant investment and cost which is again not assessed or quantified.
- . Finally, following the inevitable floods, TWBC will incur considerable costs dealing with the aftermath e.g. emergency shelter, displaced families, damaged infrastructure, as will the KCC and the emergency services. With ever more limited financial and human resources, TWBC would do well to avoid this risk and potentially large costs, never mind the reputational impact.

The plan is **not effective and particularly unsound** in the above regards.

Electricity, Gas and Broadband

As no new houses can be connected to the gas grid from 2025, the two developments will need to be powered entirely by electricity. This will require extensive investment in major HV transmission lines and stepdown transformers, particularly as new EV charging infrastructure will be required eventually for some 6,000 cars given that petrol and diesel cars will be phased out after 2030. All the cables will need to be buried. This is a major engineering task in addition to road building, road widening, school

building, GP surgery, sports facilities etc. The Capel/PW plan budgets £10.5m and the Tudeley plan budgets £11.5m solely for electricity connections and diversions with no discussion about grid infrastructure or who pays for these or how construction will be phased. In my experience, the cost of the grid infrastructure and substations will be many £millions and will not be installed for several years. If completely new generation capacity and HV systems are needed, I broadly estimate this will cost over £100m for the two developments.

FTTH broadband will be relatively more straight forward to install.

The plan is unclear on this important aspect and so is **not effective and unsound** as a result.

Waste Disposal

The disposal of waste from up to 6,250 new homes will require TWBC and KCC to invest in more waste disposal facilities. This will create yet more heavy vehicle movements on already congested roads and add to the waste already trucked away from North Farm. These additional costs do not seem to be factored into the plans and will be a charge on the annual rates which would rise slowly over time to a total of only some £10m once all 6,250 homes had been built.

Affordable Homes

Although there is a clear and pressing need for affordable homes, it is important to recognize that these may well impose actual and contingent risks and costs on TWBC. As an example, with joint ownership or rent to buy structures, if the tenant defaults in paying rent whether deliberately or through illness or unemployment, it is difficult for any Council to take any action and particularly not evict, leading to losses and costs. The same is true if the tenant does not properly maintain the rent to buy property or ever behaves in an antisocial manner. Through rent to buy, the Council would usually forgo an element of rent and not participate in any increase in the value of the property. Any Council needs to carefully assess such risks and costs which could be particularly significant for 2,500 houses, being 40% of 6,250 new houses, over say the next 30 years.

Financial Overview

As can be seen from the above, neither the Capel/PW nor Tudeley plan properly addresses the financial implications of many important elements arising from their respective development. The plans make a considerable number of assertions and assumptions, the latter both stated and unstated, about how major infrastructure investments will be made and do not properly assess the risks, timings and potential costs. These include:

- the touching confidence that S106 or CIL payments from the developers will cover many of these costs. These payments will not be applied to the 40% affordable housing element, only to the privately owned 60% element of the 6,250 homes. The Viability Assessment suggests a CIL of £150 per sq metre and that the average house will be around 100 square metres. So the potential total CIL payments could in theory be around £94m (£52m for Capel and £42m for Tudeley) but are subject to negotiation which means they could be appreciably less. The developer will probably only pay over time, perhaps of up to 20 years as houses are built so the net present value will be much lower. Since a lot of investment will need to be made in the early years, there will either be a funding shortfall - to be met by TWBC? - or facilities and improvements will only be built over many years with increasing likelihood they will either not be built at all or only at a smaller scale.

The plans do not show detailed cash flow projections or sensitivities and, more importantly, who or how any funding shortfalls will be met and so yet again are **not justified** and may create large contingent liabilities for TWBC.

- that all the various government bodies, KCC, organisations and utility and other companies will invest heavily to facilitate these two developments. Against the present Covid backcloth and huge debts, it is unlikely that government bodies or KCC currently have the money to make such major investments while utility and other companies will have many alternative, lower risk projects in which to invest offering better risk adjusted returns. Examples in the plans are the bus and rail companies which have already expressed their reluctance to invest or want subsidies.

As explained, by proceeding with these developments, TWBC will be assuming substantial additional risks and costs at a time when it is particularly cash strapped and resource limited. These costs will not be anywhere near covered by the annual rates charge which I estimate will slowly increase up to £10m in year 20, being an average of say £1,500 per annum on 6,250 houses.

The two developments are expected to take some 20 years to be fully completed. However, much of the infrastructure referred to above needs to be installed within the first few years to enable such development. So sewage pipes and systems, HV transmission lines and substations, water mains etc need to be installed before any significant development can be completed. But there will be few paying customers for the first several years, leading to effectively little or no return on the invested capital for many years. The same point relating to timing then arises about cash strapped KCC investing in new schools and the two £multi million (perhaps £100m?) major road investments. These will not be built for years (which puts in doubt if they will ever be built) meaning the plans as drafted are likely to be fiction. The corollary is that there will be further growing congestion and inadequate infrastructure for many years.

Affordability

House prices in TWBC are the second highest in Kent. The plans emphasise that affordability of the houses will be 'very challenging' and suggest a sales price of £650,000 for a small 4 bedroom 150 square metre house on a large mixed housing estate which will be developed for some 20 years. From a financial perspective, this would not be a good investment as price rises will be low as supply continuously increases over time. From an environmental viewpoint, living in a large building development doubly prone to flooding with a big mortgage and construction ongoing for 20 years may not be overly enticing to potential buyers. I have doubts that people will be able - or possibly willing - to afford these prices and, as the viability of the whole development depends on selling the 60% at these prices to pay for the 40% of affordable housing, it raises doubts about whether the developments will ever be completed. The plan is **not effective or justified** accordingly.

Greenbelt

TWBC seem to have focused on two particularly high risk, high cost, long term developments on the first available flat land in the Borough outside the AONB boundaries, notwithstanding this is protected Green Belt on and near flood plain and largely dismissed smaller, significantly lower cost, lower risk opportunities offering considerably more flexibility to meet demand as it gradually arises over time. Instead, TWBC believe in their own forecasts over 20 years and want to go for two big solutions simultaneously. From a financial and risk viewpoint, this is unwise as forecasts are rarely met and, as explained above, there are big costs and risks attaching to each plan. If a small development does not work, the fall out is manageable which cannot be said of the two developments proposed. With local incremental development, infrastructure investment will also be incremental, more likely to be made and more manageable. As such, I do not believe there are sufficient exceptional circumstances to justify declassifying Green Belt land for these two developments and the plans are **not justified**.

Summary

It is clear for the reasons stated above that the Capel/PW development plan is unsound. It has not been properly assessed in a number of areas, is high risk and high cost in many ways compared to the alternatives and creates large and unnecessary contingent costs on TWBC.

The plan should be dismissed accordingly.

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:

So I may comment on any further consultation on matters raised by the Inspector

If you would like to attach a file in support of your comments, please upload it here. [dh TWBC Plan Tudeley STR SS 3 29 5 21.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	Deborah Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Deborah Hughes [REDACTED]
Comment ID	PSLP_445
Response Date	26/05/21 16:08
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Deborah Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Capel: 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.

22nd May 2021

Objection to TWBC's Development Plan for Capel and Paddock Wood

STR/SS 1

As a long standing Tonbridge resident and with my mother in care also in Tonbridge and friends and relatives in the area, I am writing to register my very strong objections to TWBC's plans to develop a huge unnecessary estate of 3,450 houses on Green Belt land at Capel on the Medway flood plain. Alongside the nearby Tudeley 'garden settlement,' this will create a Paddock Wood/Tonbridge 'conurbation' or mega town with TWBC benefitting from the rates while we residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my friends have expressed similar strong objections to me. TWBC are largely just dumping the adverse effects of both developments on Tonbridge residents and TMDC with very little thought and, I am informed, no proper consultation with TMDC. **The plans have not been positively prepared** as they just push the resulting problems into the neighbouring Borough.

The whole point of Green Belt land is to act as a buffer against encroaching development between towns and protect the environment, nature and landscape yet TWBC seems to somehow think there are exceptional circumstances here to break this important law. The Capel and nearby Tudeley developments ignore other better, cheaper, more practical and sensible options across the Borough. TWBC has simply chosen two easy large solutions, effectively washing their hands of better alternatives. The Capel plan is **not justified** and the policy is **unsound**. With 3,450 homes, the plan has not properly considered many factors and should be scrapped as it simply does not work. Some of these factors are:

Flooding – every longstanding local in Tonbridge and Paddock Wood knows all about Medway flooding. The flat site is right next to the biggest river in Kent famous for its frequent floods and is in prime flooding territory. The plan mentions flood prevention measures but these look totally inadequate - even the Leigh barrier couldn't cope in 2019 with cars and blocks of flats under water as a result. Thinking about house purchasers, I wonder if they will have watched the videos and photos on the web showing the frequent floods in the area. In January this year alone, there was heavy surface water flooding. The site will inevitably flood and the homeowners and TWBC will have to deal with the damage, clean up and future sales of the houses. Not enough attention has been given to these major problems (nor the huge costs of flood prevention measures) and so **the plan is not effective**

and is unsound. I cannot see that the development is sustainable if it is regularly flooded so **the plan is inconsistent with national policy.**

The 60% of private houses will be expensive. I have real doubts that people will buy expensive houses liable to flooding on a huge estate which will be built over 20 years. If they are only partly sold, the whole project will be financially unviable and create major problems for TWBC. The project is **not effective** in this regard.

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge Road and overloading of the already congested A228, especially in school term and the peak mornings and evenings. I doubt if the widening plans and Capel by pass will be built by KCC which is cash and resource strapped. There will be gridlock at peak times. If the road works are carried out, I believe this will only be done well after the development has commenced. The plan is **not effective** about this major issue.

There will be a large increase in commuting. Parking in Paddock Wood is poor and parking Tonbridge is already inadequate. With more commuters, no extra trains and no extra parking at the station, there will be chaos near the two stations at peak times. The plan is **not effective** in this regard. The faith in more cycling sounds good but will hardly make a difference and I am sure there will be many serious cycling accidents on the busy roads.

The planned investment in two primary schools and expansion of Mascalls will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There is also likely to be increased demand in the area from the Tudeley development. In reality, KCC are not going to invest in all these schools in one small area given the requirements in the rest of Kent and their own cash shortages so there will be a large shortage in school places. Schools will only be built well after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and be paid for by someone else.

There are literally no services like electricity and water anywhere near the site – the whole idea of Green Belt – so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from Capel and the nearby Tudeley development will create major water supply issues, not forgetting sewage issues, the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

Although the plan might look good on paper, it is essentially **flawed and unsound** and should be scrapped. Imagine being there on a cold January night in a storm with the River Medway rising.

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	Deborah Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Deborah Hughes [REDACTED]
Comment ID	PSLP_446
Response Date	26/05/21 16:13
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Deborah Hughes
Question 3	
To which part of the Local Plan does this representation 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 - Tudley	
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.

24th May 2021

Objection to TWBC's Development Plan for Tudeley Garden Settlement

Policy STR/SS 3

As a long standing Tonbridge resident, with my mother in care also in Tonbridge and friends and relatives in the area, I am writing to register my very strong objections to TWBC's plans to develop a huge 2,800 housing estate on Green Belt land at Tudeley. This will effectively be a large new suburb of Tonbridge with TWBC benefitting from the rates while we residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my friends have expressed similar strong objections to me. TWBC are largely just dumping the adverse effects of this development on Tonbridge residents and TMDC with very little thought and, apparently, no real consultation with TMDC. As a result, **the plan has not been positively prepared** as it thoughtlessly passes its problems on to the next Borough.

TWBC have ignored other cheaper sensible options across the Borough and gone for an unnecessarily high risk big solution on Green Belt land which is a breach of the law as there are no exceptional circumstances for this assessment. **The plan is not justified.** With 2,800 homes, the plan has not properly considered many factors and should be scrapped as it simply does not work. Some of these factors are:

Affordability – the 60% private houses will be small and very expensive. I doubt if people can afford to buy these houses in such volumes and who would want to live on a huge housing estate, with building going on for 20 years? If not sold at these high prices, the viability of the development could be jeopardized. The plan is **not effective or justified** accordingly.

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge Road and overloading of the already busy roads in Tonbridge, especially in school term and the peak mornings and evenings. There will be gridlock at peak times. **The plan is not effective about this issue.**

Parking on the development is inadequate and makes little provision for visitor parking. Parking in Tonbridge is already inadequate and cannot cope with the likely increase. With more commuters, no

extra trains and no extra parking at the stations, there will be chaos near the station at peak times. **Again the plan is not effective.** I note the emphasis on increased numbers of cycling but this is naïve as it will make little difference - cycling on the busy roads is already dangerous and many accidents will ensue.

The plan fully acknowledges that the northern part of the site is in a high risk flood area. I have seen many floods in the area with some local roads blocked for days because of the Medway flooding. Surface water run off is another problem with local streams often flooding, a problem exacerbated by the sloping nature of the site. These are major problems which have not been properly considered and **so the plan is not effective and is unsound.** If a large part of the development is regularly flooded, that cannot be sustainable so **the plan is inconsistent with national policy.**

One new secondary school and one new primary school combined with a doubling of Capel Primary will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There will be even more pressure from the large number of children from the Capel and Paddock Wood developments despite the two planned primary schools and expansion of Mascalls. In reality, KCC are not going to invest in all these schools in one small area given the requirements in the rest of Kent and their own cash shortages so there will be a large shortage of school places. Schools will only be built after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and be paid for by someone else.

There are literally no services like electricity and water anywhere near the site so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from the Tudeley development and potentially the Capel development will create major water supply issues, not forgetting sewage issues, the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

As can be determined from the above, **the plan has not been thought through properly, is essentially flawed and unsound.**

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	Graham Hughes [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Hughes [REDACTED]
Comment ID	PSLP_361
Response Date	25/05/21 09:59
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	Graham Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No

Complies with the Duty to Cooperate

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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After this 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.

Development Plan for Capel and Paddock Wood

As a long standing Tonbridge resident, educated in Tonbridge and with relatives in the town, I strongly object to TWBC's plans to develop a huge estate of 3,450 houses on Green Belt land in Capel on the Medway flood plain. Alongside the nearby Tudeley 'garden settlement,' this will create a Paddock Wood/Tonbridge 'town' with TWBC benefitting from the rates while we Tonbridge residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my local friends have similar strong objections. TWBC are largely just dumping the adverse effects of both developments on Tonbridge residents and TMDC with very little thought and I believe no proper consultation with TMDC. **The plans have not been positively prepared** if they just push the resulting problems into the neighbouring Borough.

Green Belt land is a deliberate buffer against encroaching development between towns and is designed to protect the environment, nature and landscape yet TWBC thinks there are exceptional circumstances here to break this important law. The Capel and nearby Tudeley developments ignore other better, cheaper, more practical and sensible options across the Borough. TWBC has simply chosen two easy large solutions, effectively washing their hands of better alternatives. **The plan is not justified and the policy is unsound.** For 3,450 homes, the plan has not properly considered many factors and should be scrapped as it simply does not work. Some of these factors are:

Flooding – I have witnessed many local floods. The flat site at Capel is right next to the biggest river in Kent, famous for its frequent floods and is prime flooding territory. The plan mentions flood prevention measures but these look totally inadequate - even the Leigh barrier couldn't cope in 2019 with cars and blocks of flats in Tonbridge flooded as a result. There are many videos and photos on the web showing the frequent floods in the area. In January this year alone, there was heavy surface water flooding. The site will inevitably flood and the homeowners and TWBC will have to face up to the damage, clean up and inability to sell the houses in future, all resulting from poor flawed decision making. Not enough attention has been given to these major problems (nor the huge costs of flood prevention measures) and so **the plan is not effective and is unsound.** I cannot see this development is sustainable if it is regularly flooded so **the plan is inconsistent with national policy.**

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge Road and overloading of the already congested A228, especially in school term and the peak mornings and evenings. I doubt if the widening plans and Capel by pass will be built by KCC which is cash and resource strapped. There will be gridlock at peak times. If ever built, the roads will only be constructed well after the development has commenced. The plan is **not effective** about this major issue.

There will be a large increase in commuting. Parking in Paddock Wood is poor and parking Tonbridge is already inadequate. With more commuters, no extra trains and no extra parking at the station, there

will be chaos near the two stations at peak times. The plan is **not effective** in this regard. The faith in more cycling sounds good but will hardly make a difference and there will be many serious cycling accidents on the busy roads.

The planned investment in two primary schools and expansion of Mascalls will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There is also likely to be increased demand in the area from the Tudeley development. In reality, KCC are not going to invest in all these schools in one small area given the requirements in the rest of Kent and their own cash shortages so there will be a large shortage in school places. Schools will only be built well after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and be paid for by someone else.

There are literally no services like electricity and water anywhere near the site – the whole idea of Green Belt – so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from Capel and the nearby Tudeley development will create major water supply issues, not forgetting sewage issues the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

Although the plan might conceptually good on a computer screen, for the above reasons, **the plan is flawed and unsound.**

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	Graham Hughes [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Graham Hughes [REDACTED]
Comment ID	PSLP_366
Response Date	25/05/21 10:03
Consultation Point	Map 26 Site Layout Plan (View)
Status	Processed
Submission Type	Web
Version	0.6
Question 1	

Respondent's Name and/or Organisation	Graham Hughes
---------------------------------------	---------------

Question 3

To which part of the Local Plan does this representation relate?	Paragraph(s)
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

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	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

As a long standing Tonbridge resident, educated in Tonbridge with friends and relatives in the area, I am writing to object strongly to TWBC's plans to develop a large 2,800 housing estate on Green Belt land at Tudeley. This will effectively be a large new suburb of Tonbridge with TWBC benefitting from the rates while we Tonbridge residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my friends object similarly. TWBC are effectively dumping the adverse effects of this development on Tonbridge residents and TMDC with very little thought and little apparent consultation with TMDC. **The plan cannot have been positively prepared** if it just pushes the resulting problems into the neighbouring Borough.

TWBC have ignored other better, cheaper sensible options across the Borough and gone for an unnecessarily high risk big solution on Green Belt land which breaches the law – the circumstances here are not exceptional circumstances. The plan is **not justified** and the Policy is **unsound**. For 2,800 homes, the plan has not properly considered many factors and as it simply does not work should be scrapped. These factors include:

Affordability – the private houses representing 60% will be relatively small and very expensive. I doubt if enough people can afford to buy these houses in such volumes and who would want to live on a huge, expensive housing estate, with building going on for 20 years? If high prices are not obtainable, the viability of the development will be thrown into doubt. The plan is **not effective or justified** in this regard.

The plan fully acknowledges that the northern part of the site is in a high risk flood area. I have seen many floods in the area with some local roads blocked for days because of the Medway flooding. Surface water run off is another problem with local streams often flooding, a problem exacerbated by the sloping nature of the site. Nowhere near enough attention has been given to these major problems and **the plan is not effective and so is unsound**. I would not want to own a house anywhere near the bottom part of the proposed site. I cannot see this part of the development being sustainable if it is regularly flooded so **the plan is inconsistent with national policy**.

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge B2017 Road and overloading of the already busy roads in Tonbridge, especially in school term time and the peak mornings and evenings. There will be gridlock at peak times. The plan is **not effective** about this issue.

Parking on the development is inadequate and makes little provision for visitor parking. Parking in Tonbridge is already inadequate and cannot cope with the likely increase. With more commuters, no extra trains and no extra parking at the stations, there will be chaos near the station at peak times. Again the plan is **not effective**. The emphasis on more cycling will make little difference - cycling on the busy roads is already dangerous and many accidents will ensue.

One new secondary school and one new primary school combined with a doubling of Capel Primary will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There will be even more pressure from the large number of children from the Capel

and Paddock Wood developments despite the two planned primary schools and expansion of Mascalls. In reality, KCC are not going to invest in all these schools in one small area given the requirements in the rest of Kent and their own cash shortages so there will be a large shortage of school places. Schools will only be built after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and be paid for by someone else.

There are literally no services like electricity and water anywhere near the site – the whole idea of Green belt – so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from the Tudeley development and potentially the Capel development will create major water supply issues, not forgetting sewage issues, the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

For the above reasons, **the plan is flawed and unsound.**

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	Joseph Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Joseph Hughes [REDACTED]
Comment ID	PSLP_672
Response Date	29/05/21 16:17
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	Joseph Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	.	It is not effective
	.	It is not justified
	.	It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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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 an 8 year old resident of Tudeley and I have lived here for the whole of my life. I have also attended Capel preschool and I am currently in year 3 of Capel Primary school.

I am writing to you to express my concerns about the proposed Capel development. Do you realise the impact this plan will have to the local area? I want to raise my three key points that I am very worried about and highlight the major issues for these points.

Firstly, I would like to highlight the devastating impact the plan will have on the local wildlife. Some rare species may become extinct and lost from this area. The wildlife will be losing 600 acres of greenbelt land that is their home. Also, the trees and hedgerows will be lost forever and will make some wildlife homeless. I will be extremely upset to see this wildlife disappear for good and never appear again in my garden.

I am also concerned about the quality of the air and pollution from the extra cars, buses and also lorries. The air quality will become awful for everyone living in the area and will be damaged forever. The air may even become deadly and poisonous to humans and local wildlife. Please rethink your plans as we cannot let people die from this extra pollution. We must try to keep the air clean for the future generations.

Do you think it is wise to build thousands of new houses on a flood plain? The flood risk will increase for the existing and new houses and they may all flood as a result. With climate change the glaciers are melting which means more rain will fall and rivers and streams locally will overflow more regularly. A road close to my house, Sherenden Road, has a history of flooding with flooding of the roads and adjacent fields up to 3 feet deep in places and this will be in the heart of the Tudeley village. Do you want my house to flood along with the rest of them in Tudeley?

In conclusion, I would like you to carefully consider my comments I have raised in this letter. The threat to local wildlife will be at its highest that it could ever be if the area is developed. I am also concerned about the air quality because of pollution and its effects for future generations. Finally, I have highlighted the effects of flooding in the area and how this will get worse if the development goes ahead. Please do not turn our beautiful countryside garden into a garden village

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	.	No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

No, I do not wish to be notified of future stages of the Local Plan

Comment

Consultee	
Email Address	
Address	
Event Name	Pre-Submission Local Plan
Comment by	Louise Hughes
Comment ID	PSLP_671
Response Date	31/05/21 14:32
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	Louise Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 Strategy for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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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 Tudeley in our 'country cottage' for the past 15 years and our Son attends Capel Primary which is a small village school with a one year intake. We are concerned about many aspects of the proposed local plan but we have highlighted a few of the issues that are of particular concern to us as a family.

The traffic on the B2017 can sometimes be congested back to where we live due to traffic congestion in Tonbridge and with traffic that is travelling to the Somerhill schools site. I was commuting by car to work in Tunbridge Wells pre Covid (and will return to this in due course) and used to experience congestion on most days getting either round Tonbridge or actually getting into Tunbridge Wells so surely the proposed garden village will just make this congestion far, far worse. The primary school is also on the B2017 and the traffic speed and volume outside the school in the morning and at end of school is dangerous enough. We have witnessed several near misses so the increase in traffic and a proposed secondary school next to the primary school is just going to make this issue worse and the children's safety at even more of a risk. I also like to go running from our property and had a near miss in November last year with a car. I have only now just gained the confidence to go out again but I feel like I am taking my life in my hands every time I go out the door based on the traffic now. Most of the residents that will move into these proposed new properties will drive privately owned cars and will not use the bus or cycle use that we are lead to believe by TWBC. There are currently 2,452 people living in Capel. This will increase with the proposed local plan to 13,700 plus people. How is this sustainable and the impact on the air quality will be damaging for generations to come. There has been no consideration to the pressure that Tonbridge and Paddock Wood Railway Stations will see when a good proportion of the new residents are commuting to their employment in London. These properties will not be affordable to the local people on local pay, they will be affordable to the persons who work outside of the area.

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. The Five Oak Green Road itself is like a river when we experience high rainfall and floods at several points which makes it an extremely dangerous road and no doubt that some of the new houses would flood if the local plan goes forward. This happened in January and February 2020 when we had several storms sweep through the area and gave rise to flooding in Five Oak Green and along Alders Road. This problem will just get worse if you take away the farmland and concrete over this.

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. We regularly have deer and wild boar in the field to the back of our property.

Our bird visitors include woodpeckers, green woodpeckers, buzzards, hawks, robins, blue tits, chaffinches, bullfinches, goldfinches, doves. Other animals include weasels, stoats, foxes, adders and

we had a visit recently from a little owl. Bats are also seen at dusk flying round the garden in the summer months. These will all decrease in numbers or disappear completely. Our property is in green belt and AONB. The AONB is to the rear of our property, green belt to the front. If the local plan goes ahead what is going to stop TWBC then looking to build on AONB in future years? Also TWBC stopped us years ago extending our property due to the location being on green belt land so how can TWBC plan to build 1000's of houses on green belt land? This green belt land stops the urban sprawl between Tonbridge and Paddock Wood, this plan will effectively join both together.

There is no set infrastructure plan from TWBC ? When are these plans going to be released? Once building has started? Surely the infrastructure should be in place to support a new 'town' prior to the development. It should not as an afterthought especially with the known pressures we have already with traffic. The local plan proposes 15 plus years of large construction sites active in the Capel area with enormous infrastructure issues. There is also no logic to the plan in terms of the distribution of planned dwellings as 51% of the local plan housing is being forced on Capel parish where only 2% of the TWBC population live. Capel is the easy option with one landowner and looking at brownfield sites seems to have been de-prioritised by TWBC.

For the above reasons the local plan needs to be stopped in it's current form.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sarah Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Sarah Hughes [REDACTED]
Comment ID	PSLP_433
Response Date	26/05/21 14:17
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	Sarah Hughes
Question 3	
To which part of the Local Plan does this representation 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

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As a long standing Tonbridge resident, educated in Tonbridge and with relatives in the town, I strongly object to TWBC's plans to develop a huge and unnecessary estate of 3,450 houses on Green Belt land in Capel on the Medway flood plain. Alongside the nearby Tudeley 'garden settlement,' this will create a Paddock Wood/Tonbridge 'conurbation' or mega town with TWBC benefitting from the rates while we residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my local friends have expressed similar strong objections to me. TWBC are largely just dumping the adverse effects of both developments on Tonbridge residents and TMDC with very little thought and, as far as I have heard and can tell, no proper consultation with TMDC. **The plans have not been positively prepared** as they push the resulting problems onto the neighbouring Borough.

The whole point of Green Belt land is to act as a buffer against encroaching development between towns and protect the environment, nature and landscape yet TWBC seems to somehow think there are exceptional circumstances here to break this important law. The Capel and nearby Tudeley developments ignore other better, cheaper, more practical and sensible options across the Borough. TWBC has simply chosen two easy large solutions, effectively washing their hands of better alternatives. **The plans are not justified and the policy is unsound.** With 3,450 homes, the plan has not properly considered many factors and should be scrapped as it simply does not work. Some of these factors are:

Flooding – every longstanding local in Tonbridge and Paddock Wood knows all about Medway flooding. The flat site is right next to the biggest river in Kent famous for its frequent floods and is in prime flooding territory. The plan mentions flood prevention measures but these look totally inadequate - even the Leigh barrier couldn't cope in 2019 with cars and blocks of flats under water as a result. Thinking about house purchasers, I wonder if they will have watched the videos and photos on the web showing the frequent floods in the area. In January this year alone, there was heavy surface water flooding. The site will inevitably flood and the homeowners and TWBC will have to deal with the damage, clean up and future sales of the houses. Not enough attention has been given to these major problems (nor the huge costs of flood prevention measures) and so **the plan is not effective and is unsound.** I cannot see that the development is sustainable if it is regularly flooded so **the plan is inconsistent with national policy.**

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge Road and overloading of the already congested A228, especially in school term and the peak mornings and evenings. I doubt if the widening plans and Capel by pass will be built by KCC which is cash and resource strapped. There will be gridlock at peak times. I believe only

some of the road works will be carried out and then well after the development has commenced. The plan is **not effective** about this major issue.

There will be a large increase in commuting. Parking in Paddock Wood is poor and parking Tonbridge is already inadequate. With more commuters, no extra trains and no extra parking at the station, there will be chaos near the two stations at peak times. The plan is **not effective** in this regard. The faith in more cycling sounds good but will hardly make a difference and I am sure there will be many serious cycling accidents on the busy roads.

The planned investment in two primary schools and expansion of Mascalls will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There is also likely to be increased demand in the area from the Tudeley development. In reality, KCC are not going to invest in all these schools in one small area given the requirements in the rest of Kent and their own cash shortages so there will be a large shortage in school places. Schools will only be built well after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and be paid for by someone else.

There are literally no services like electricity and water anywhere near the site – the whole idea of Green Belt – so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from Capel and the nearby Tudeley development will create major water supply issues, not forgetting sewage issues, the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

The plan is fundamentally flawed and unsound.

Question 7

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sarah Hughes [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Sarah Hughes [REDACTED]
Comment ID	PSLP_434
Response Date	26/05/21 14:21
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	Sarah Hughes
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Tudeley Policy STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Objection to TWBC's Development Plan for Tudeley Garden Settlement

Policy STR/SS3

As a long standing Tonbridge resident, educated in Tonbridge and with relatives in the town, I particularly object to TWBC's plans to develop a huge 2,800 housing estate on Green Belt land at Tudeley. This will effectively be a large new suburb of Tonbridge with TWBC benefitting from the rates while we residents and Tonbridge and Malling District Council will carry a lot of the extra costs and have to deal with the major problems which will arise. Many of my friends have expressed similar strong objections to me. TWBC are largely just dumping the adverse effects of this development on Tonbridge residents and TMDC with very little thought and, as far as I have heard and can tell, no proper consultation with TMDC. **The plan has not been positively prepared** as it just pushes the resulting problems into the neighbouring Borough.

The whole point of Green Belt land is to act as a buffer against encroaching development between towns and protect the environment, nature and landscape yet TWBC seems to somehow think there are exceptional circumstances here to break this important law. The Tudeley development ignores other better, cheaper, more practical and sensible options across the Borough with TWBC choosing one large excessive solution, effectively washing their hands of better alternatives. The plan is **not justified** and the policy is **unsound**. With 2,800 homes, the plan has not properly considered many factors and should be scrapped as it simply does not work. These include:

The northern part of the site is in a high risk flood area. I have seen many floods in the area because of the Medway flooding including near to where I used to live. Surface water run off into local streams often creates flooding, a problem exacerbated by the sloping nature of the site. Nowhere near enough attention has been given to these major problems and so **the plan is not effective and is unsound**. I cannot see the lower part of the development being sustainable if it is regularly flooded so **the plan is inconsistent with national policy**.

There will be a huge increase in traffic on the poorly maintained and heavily used Five Oak Green/Tudeley/Tonbridge Road and overloading of the already busy roads in Tonbridge, especially in school term and the peak mornings and evenings. There will be gridlock at peak times so yet again the plan is **not effective**.

Parking on the development looks inadequate for residents and makes little provision for visitors. Similarly, parking in Tonbridge is already inadequate and will be worsened by the huge increase in vehicles from the development so yet again the plan is **not effective**.

Affordability – the private houses representing 60% will be relatively small and very expensive. I doubt if enough people can afford to buy these houses in such volumes and who would want to live on a huge, expensive housing estate, with building going on for 20 years? If high prices are not obtainable, the viability of the development will be thrown into doubt. The plan is **not effective or justified** in this regard.

A large increase in commuting will be inevitable and as a longstanding commuter, I know only too well the current day to day practical difficulties. With more commuters, no extra trains and no extra parking at the stations (and I simply do not believe the words in the plan about more cycling – try cycling on the Tudeley/Tonbridge road), there will be chaos near the station at peak times.

One new secondary school and one new primary school combined with a doubling of Capel Primary will be inadequate for the large number of children from the development which means even greater pressure on schools in Tonbridge and Tonbridge Wells with lots of daily school buses adding to the traffic volumes. There will be even more pressure from the large number of children from the Capel and Paddock Wood developments despite the two planned primary schools and expansion of Mascalls. In reality, KCC are not going to invest in all these schools in one small area given the pressures across the rest of Kent and their own cash shortages so there will be a large shortage of school places. Schools will only be built years after the children are actually living there. **So, the plan is not effective and is unsound.**

There will be huge extra pressure on all other local facilities in the area such as hospitals, social services, elderly care and dentists. The plan assumes the resultant required investment will all just happen and costs be paid for by someone else.

There are literally no services like electricity and water anywhere near the site so the cost and length of the project will be much greater than infill or brownfield site developments elsewhere in the TWBC Borough area. **The plan is therefore not justified.**

Kent is desperately short of water and adding the population from the Tudeley development and potentially the Capel development will create major water supply issues, not forgetting sewage issues, the systems for which are already poor in the Paddock Wood area. The plan is **not justified or effective** in this regard.

Although the plan might look good on some planning architect's drawings, it is essentially **flawed and unsound**.

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	Chloe Hunn [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Chloe Hunn [REDACTED]
Comment ID	PSLP_497
Response Date	27/05/21 09:29
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Chloe Hunn
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I am a new resident of Paddock Wood, I live in Maidstone Road and have been here for four months. I disagree with the plan to remove vehicle access over Paddock Wood railway bridge, as this will effectively cut the town into two parts and reduce ease of access for residents and visitors, and cause a lot of chaos on nearby roads.

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	Sharon Hunt [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Sharon Hunt [REDACTED]
Comment ID	PSLP_1143
Response Date	03/06/21 19:38
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	Sharon Hunt
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

My name is Sharon Hunt and I have lived in Tudeley for 14 years. I moved here because of the Green Belt, Dark Skies, AONB and to be part of a village community and not part of a new town. I have worked at Tunbridge Wells Hospital in Pembury as a medical secretary for a cardiologist for the past 8 years.

I am writing to you to raise my strong objections to Tunbridge Wells Borough Council's recently published Local Plan proposal to build over 4000 homes in the Parish of Capel in both the areas of Tudeley and East Capel. I live in the village of Tudeley and work at Tunbridge Wells Hospital.

Healthcare

Tunbridge Wells Hospital is a new hospital only opened in 2011/2012 and it is already too small for the area that it serves. Since opening the hospital has already had to add three new wards to cope with the increase in population. The hospital is struggling now to see people who have been referred on time so that they do not breach government set targets patients are waiting months for appointments, this is risk to life. This problem has now been exacerbated due to the Covid-19 pandemic and the waiting lists are very long as clinics, investigations and elective surgeries had to be cancelled during the height of the pandemic. The hospital does not have enough staff now let alone enough beds and even if they did have enough beds there would be no staff to look after the patients. Already during the winter many elective surgeries are cancelled this will only become a bigger problem with 2,800 more homes - possibly at least an extra 5,900 people. GP surgeries are closing throughout the borough and some are combining and my own surgery is struggling to employ GPs and exists on a trail of locums, a garden village is supposed to have everything it needs within its boundaries if we can't get GPs for already existing surgeries or doctors and nurses for the hospital in this area how can a whole new surgery and the existing hospital be fully staffed.

Agriculture

Capel is a rural Parish that sits within the green belt and the High Weald AONB, there are currently approx 900 homes in the Parish. CA1 and East Capel are mainly agricultural land, including orchards which I believe are protected, mostly grade 2 and 3 agricultural fields (which are in short supply in Tunbridge Wells borough as a whole) and not poor agricultural land as has been claimed by Tunbridge Wells Borough Council, many of these orchards and fields growing much food for this country for multi-national companies such as Ribena who buy substantial amounts of blackcurrants from Sherenden Farm. CA1 if built on will deprive the nation of some 6,175 tonnes of produce over 5 years. We should be aiming to be a self-sufficient borough and country not cover good agricultural land with concrete particularly now that we have left the EU, surely we need to grow more food and protect our excellent agricultural areas to feed our nation.

GeologyThe geology of the site (CA1) would appear to make it an illogical choice it comprises heavy clay susceptible to expansion when wet and shrinkage when dry increasing the risk of subsidence, in turn this would lead to high build costs. Any deep foundations for retaining structures could damage

the sensitive mud and sandstones which lie over and control the natural aquifer. Puncturing of these mudstones and sandstones may have very serious consequences to groundwater equilibrium. Building to allow water to pass under foundations would only lead to movement of the structure.

Biodiversity

An agreement was signed and reached with 190 countries including the UK to halt the loss of biodiversity by 2020 (DEFRA) and to ultimately increase biodiversity, this development clearly goes against DEFRA's agreement as there can only be a loss of biodiversity if this huge development is built, despite claims that there will be a net biodiversity gain, I fail to see how this is possible when woodlands, fields, agricultural land and streams will clearly be greatly affected by this development not to mention birdlife, mammals, reptiles, insects, fish and other organisms all important to the protection of our village, town, borough, country and world as a whole. Diverse wildlife including many red list species, yellowhammers, skylarks, lapwings, house sparrows, swifts, all species of Owl and EU protected species such as Great Crested Newts, Dormice and bats (many species of bats). A news item on BBC Southeast News on 13 November stated that dormice are now in danger because of loss of habitat and climate change in the south east, we should be striving to protect our species not deprive them of valuable habitat.

The government has spent some £6 million on research into Ash dieback, there are many ancient, veteran and mature healthy Ash trees in both CA1 and East Capel. There are also some 30 veteran Oaks and a huge number of mature and newly growing Oaks and Ash trees along with ancient woodland which will suffer if this development goes ahead as the ecosystem will not remain as it should as mammals, bird, reptiles, insects and other organisms will leave these ancient woodlands and the woodland will suffer from this loss. The balance of nature is fragile and we constantly distress and destroy it instead of protecting it.

Domestic Animals and their Impact on Wildlife / Wildflowers / Ancient footpaths

A development of this size 2,800 homes would also introduce a significant number of household pets, particularly dogs and cats. 25% of the UK population own a cat and equally 25% own a dog. This will introduce at least 700 cats and 700 dogs (best case scenario as many people own more than one dog or cat) the numbers are not per household but per adult so potentially many more dogs and cats, my figures are conservative (PDSA.org). This will have a significant effect on wildlife, cats enjoy hunting even when well fed, they will travel several miles from their home to hunt, they will also just maim and not kill leaving prey in agony and potentially young without adults to care for young birds, mammals, reptiles etc. Dogs will also affect ground nesting birds if off lead, this will lead to ground nesting birds leaving their broods and chicks being lost. If dog faeces are not cleared up this will have a detrimental effect on wildflowers and will increase the growth of nettles and thistles to the detriment of rare flowers such as the orchid and true fox sedges etc. (SWT.org) 700 dogs being walked twice a day on ancient footpaths will have a severe effect on these old walkways. These footpaths are part of the openness of the greenbelt and the open views will be lost to concrete. As a footnote it should be taken into consideration that since the Covid-19 pandemic pet ownership throughout the country has increased by 11% so we can add a further 11% more dogs, cats and other pets to this scenario - these numbers encompass all pets but the majority being cats and dogs (Pet Manufacturers Association)

Heritage

Capel has a unique culture and heritage. There are two Grade 1 listed churches All Saints and St Thomas a Becket, All Saints being famous worldwide for being the only church in the world with windows all created by Marc Chagall who so loved the location and light created by the setting of this church that he chose to design all of these windows after being asked to do one memorial window for the Goldsmid family, how sad he would be at this legalised vandalism of our greenbelt. The proposal to build such a huge number of homes would have a significant impact on the churches, the rural landscape, environment, community and wildlife, changing the Parish beyond all recognition and in effect wiping out two small and happy communities. Tudeley which currently has around 96 homes would effectively no longer exist as a historical village, by building 2,800 homes, this would also cause the loss of the all important green belt buffer from Tonbridge, which would result in urban sprawl development from Tonbridge to Paddock Wood.

Flooding and Water Supply

The suggestion of so many homes in this location is not sustainable as there is no infrastructure and will lead to a greater risk of flooding both locally and further along the River Medway floodplain, putting at risk other built up towns and villages and villages that already have a flood problem such as Yalding and East Peckham to name just two, this is clearly a danger to life. There is already a problem with supplying water for homes in this area with 2,800 new homes this will be an impossibility. In 2013 CA1, East Capel, Tonbridge and surrounding villages flooded badly, again please think about the danger to life. In 2019/20 there was significant flooding in both Five Oak Green and Tudeley, so much so that someone was actually able to swim down the middle of the road in Tudeley (Hartlake Road) - a significant danger to life.

Transport

The trains from Tonbridge and Paddock Wood are already at capacity, you are lucky to get on the train let alone get a seat, the service would not be able to cope with the additional commuters, and they will be commuting as there are not enough jobs in this area to sustain the huge number of people expected to live in these developments and the council would be naïve to think this is not the case. Already the homes in Paddock Wood are being marketed in London with season tickets paid for by developers as the incentive for moving to Paddock Wood from London. Homes for local people will clearly not. The train company have already advised that they are not able to put on any more services or extra tracks and no further station will be built. This train line is a two track rail line to London and the coast and this cannot be changed as there is at least one two track tunnel to London. The developers and Tunbridge Wells Borough Council have already been told that the rail company will not be putting a station in at Tudeley Garden Village as this will affect the timetables significantly because the trains will not be able to get up enough speed to keep the train timetables as they are, the line is not long enough to warrant another station between Tonbridge and Paddock Wood and the cost would be huge in £. Most commuters will drive to Tonbridge or Paddock Wood stations to get to London the car parks are already full, of course some people will cycle but not everyone and anyway with everyone cycling where will they park their bikes the station is already full of push bikes.

Housing Needs

Increased housing should be developed in proportion to existing population numbers across the borough. There are brownfield sites and other sites which already have infrastructure in place, there are over 100 brownfield sites that are known to the council, there must be many many more. There were 450 sites offered in the call for sites, 20 homes on each site would fulfil the government's 2014 methodology requirements for housing in Tunbridge Wells, some of this number having already been built. However, Tunbridge Wells Borough Council should be working with the 2016 methodology as the 2014 methodology was found to be incorrect due to NOS as advised by the government, if the council worked with the 2016 methodology as required and instructed by the government it would need to build 4,000 **less** homes than this local plan has decreed need to be built, thereby negating the need for these two new towns in Tudeley and East Capel. Much of the land proposed in Capel for development has a single landowner and the simplicity in developing that land should not come before the significant detrimental impact it would have both on greenbelt and also the impact the development would have on the High Weald AONB which borders the proposed site.

Impact on Neighbouring Borough – Tonbridge and Malling Part of the site of the proposed development sits at the very edge of the Borough next to the border with Tonbridge and Malling. Any increase in population within Capel would result in a significant demand upon the neighbouring Borough without the plan or infrastructure to cope and without the benefit of the added council tax. This development would have little or no impact on Tunbridge Wells town itself but all the monetary gain. Tonbridge and Malling Council have questioned the Soundness of Tunbridge Wells Borough Council's local plan and have put in their objection and asked for Tudeley Garden Village to be removed from the plan.

Government's Garden Village Criteria

Under the Government proposals for garden Villages and settlements they recommend that they are not built where there are existing settlements but should be new and discrete, the government also advise that brownfield sites should be built on before greenbelt, there are enough brownfield sites in Tunbridge Wells Borough to satisfy the housing needs / numbers expected by the government. There

is nothing discrete about the proposed plans which would be situated in existing settlements and as previously stated effectively wiping out the village of Tudeley. The Government also advise that garden villages and settlements should have local support, I would suggest that this is clearly not the case in the Tudeley Garden Village proposal. In addition, it is likely that the existing railway line would dissect the proposed site at Tudeley which does not support garden settlement principles but actually creates two villages (towns). The village will not initially be self sufficient as there will be no school, no station, no shops so the idea of a garden village that has everything is not feasible - people will have to leave the village for work, shopping schools etc.

Road Network, Pollution and Climate Change

The roads are already severely congested so presumably another road would have to be built which would cross greenbelt and AONB, this is just unacceptable and may move transport through the development area more quickly but will just end up polluting and congesting Five Oak Green, Capel, Tudeley, Tonbridge and surrounding towns and villages to an even greater extent than they are congested now, Tonbridge in particular is a town full of small, narrow roads. The pollution caused by all this additional traffic in a greenbelt area will just add to the problems of climate change and building on greenbelt where many trees, ancient and veteran (the lungs of the world) exist will be devastating for our clean air. There would be significant light pollution from this development and will have a considerable impact on the AONB as currently this area enjoys dark skies and clearly this would be lost as 2,800 homes will produce considerable light pollution.

Costs

The Council have already wasted £10 million of Tunbridge Wells' taxpayers hard earned money on a vanity project in Calverley Park which has now been voted out and abandoned. How much has been wasted thus far on this ill thought out local plan for a new town, another vanity project using the wrong methodology in assessing numbers required, use the right methodology (2016 not 2014), this would be the professional and correct way forward. The council and employees, planners, etc are paid by local taxpayers and as such should be representing the needs of the constituents of this borough, clearly they are not representing us at all just trying to make a 'name' for themselves with another badly thought out 'vanity project' to try and attract people from London, not housing for local people to be able to stay in their own villages. We do not need 2,800 houses in Tudeley to house our local people.

General Comments

This proposal it is ill thought out and unsustainable and is detrimental to both local residents' health, physical and mental. I believe this is a lazy plan and has only been proposed so that the council do not have to deal with multiple landowners and just have to deal with one in Tudeley, (this site was not on the first call for sites and as such not planned for as rigorously as should be) this should not be a reason for this development. This is not a special circumstance ! The council have also not advised what their 'very special circumstance' is for building on greenbelt and greenbelt that is excellent agricultural land as there should be a special circumstance as required by the NPPF, and I have to ask why not !

The plan preparation process did not include Tudeley until after the issues and options process in 2017. This means that the largest housing area in the plan did not go through most of the plan preparation process. There is no greenbelt study, no landscape assessment, no biodiversity assessment, the Local Plan isn't complete enough to be ready for The Inspector when these two areas (the biggest development in the borough) have not had the same level of assessment as the rest of the plan. The issues and options process led to most people – some 60% - wanting a growth corridor led approach, less than half wanted a garden settlement and that was when they did not know a garden settlement would involve the destruction of many acres of precious greenbelt and have a significant impact on the AONB. Protection of greenbelt was a key priority for people who participated in the issue and options consultation the plan should be re-written to implement a growth corridor led approach to protect green belt and I stress again that the correct methodology should be used 2016 as instructed by the government!

DO THE RIGHT THING – PROTECT OUR GREENBELT – PROTECT OUR CLEAN AIR – PROTECT OUR DARK SKIES – PROTECT OUR WILDLIFE – PROTECT OUR WILD FLOWERS - PROTECT OUR ANCIENT TREES – PROTECT OUR FOOD PRODUCTION - PROTECT OUR HISTORIC VILLAGES - PROTECT OUR FUTURE

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.

To make this plan sound two other sites should be considered Castle Hill which already has significant infrastructure available, including schools, shops, offices, workplaces, buses and a train station along with very quick access to the A21 without driving through small Kentish villages.

Another site is the old Blantyre Prison which is standing empty and could be utilised for many many houses, this is a brownfield site.

There is also a large site in the centre of Tunbridge Wells where the old cinema used to be that has been standing empty for many years, surely this could be utilised within the plan.

Tunbridge Wells Borough has enough brownfield sites within the borough to satisfy the governments figures for housing development without building on our precious Greenbelt.

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	Angela Hurley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Angela Hurley [REDACTED]
Comment ID	PSLP_1389
Response Date	03/06/21 19:08
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Angela Hurley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I wish to voice my strong objection to the proposal in your local plan to make Hartlake Road a no through road.

The distress and upheaval to residents of Tonbridge, Tudeley, Capel, Hadlow, Golden Green and East Peckham will be horrendous. The extra traffic on other roads especially at peak times is not acceptable. How are parents expected to get their children to school? What will be the impact on restaurants such as The Poacher and Partridge and The Bell Inn? This proposal is totally unacceptable and I urge you to reject it.

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	Colin Hurley [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Hurley [REDACTED]
Comment ID	PSLP_1395
Response Date	03/06/21 19:21
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.3
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Colin Hurley
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

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Question 5

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I wish to register my objection to this proposal. I regularly use this road. It's closure will have a significant detrimental impact on all of the surrounding areas and local businesses. This was clearly demonstrated when the road was closed due to flooding.

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	Christopher Hyatt-twynam [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christopher Hyatt-twynam [REDACTED]
Comment ID	PSLP_1003
Response Date	02/06/21 22:51
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.5
Question 1	
Respondent's Name and/or Organisation	chris twynam
Question 3	
To which part of the Local Plan does this 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 Tudeley village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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For 36 years my wife and I have lived on Hartlake Rd in Tudeley Hale. We are just outside the edge of the proposed Tudeley village development. Being retired now, twice every day I walk from my house in all directions through this beautiful part of the Medway valley with its open vistas, large skies and extensive bird and insect life. 2800 houses and their residents will affect everything in no positive way. For the people and wildlife who gain so much from this unique valley I totally oppose the Tudeley village plans as a simply dreadful idea.

Assuming Tunbridge Wells Council have to build 2800 houses somewhere in their Borough (this itself is dubious), let's look at the Pros and Cons of choosing Tudeley as the location for the new village/town.

Pros: (reasons to build here)

- 1 One landowner makes it easier for the Council to deal with.
- 2 There's a mainline railway through the middle of the site so the Council can pretend (against statements from British rail), that residents can use a train and not drive anywhere.
- 3 The site is sloping and just above the Medway flood plain so only existing residents and villages such as Yalding downstream will receive the runoff from roofs and tarmac while the new houses should be OK.
- 4 The site is right on the edge of the Borough so income will go to Tunbridge Wells and problems to Tonbridge at only 2 miles away.
- 5 The site is Green Belt so easier to build on than the AONB just across the road.

Cons: (reasons to build elsewhere)

- 1 Its a very green an beautiful slope down to the flat and lush Medway valley. The construction will be obvious to all from the North East with views of it from most of Hartlake Rd, Golden Green and Three Elm lane, the Medway itself and all the way up to East Peckham old church. A 300 acre eyesore visible for miles.
- 2 Transport. The road from Five Oak Green to Tonbridge is a winding country road already stationary at times. Residents will be driving to Tonbridge and then trying to access the services there or driving to reach the A21 corridor for Tunbridge wells and Sevenoaks. I live here and use that road for 70% of my journeys. The road is not suitable for more traffic and the access into Tonbridge is very slow even at quiet times. Tonbridge is a busy town with the car parks and roads already near their capacity. Not all the children are going to attend the proposed school, with such excellent other schools nearby as options. The new village would be an urban extension of Tonbridge as the old village is a rural extension now. Amazon deliveries alone from the A21 will be a challenge. A railway station which is most unlikely is not going to make this village in any way sustainable.
- 3 Cooperation of neighbouring Borough. Tonbridge Council demanded a robust objection to the Tudeley village (meeting 17 May 2021). It would be a disaster for Tonbridge and would alter the very nature of this lovely market town.
- 4 Noise pollution. I can hear the skylark and buzzards from my garden. They and many others will have to move away.

- 5 Air pollution. Forcing a village of residents to drive to get anywhere or most things will add pollutants to the countryside air. Never mind all the gas and oil boilers.
- 6 Light pollution. The Poacher pub is the main light polluter in Tudeley. It can be seen from a fair distance at night. The village will be like a beacon in comparison extending to areas of countryside which have next to no light pollution now.
7. Agriculture. PSLP EN20 The loss for ever of 300 productive acres of grade 2 and 3 land is a travesty if it can be avoided and goes against current Government ethos.
8. Alternative site. The proposed development option of 1800 houses next to Tunbridge Wells Retail park would seem far more suitable as residents could walk or cycle to the park and High Brooms railway Station. It also has easy access to the A21 corridor and cannot be seen from most directions. Also the land is grade 4 agricultural land and although AONB is difficult to compare favourably with Tudeley.
- 1 Community. The railway splits the proposed village into 2 halves with just one existing narrow tunnel lane joining them at the present time. The cost and disruption to a mainline railway of building more tunnels make their future existence questionable failing the whole village plan.
- 2 Biodiversity. PSLP EN9. DEFRA's biodiversity 2020 a strategy for England's wildlife aims to halt overall biodiversity loss. This area of Tudeley is rich in biodiversity. KMBRC records show 53 bird species considered to breed here. 70 species of bird regularly rely on the Tudeley site to overwinter or breed. TWBC promise a 10% increase in biodiversity once they have built 2800 homes on 300 acres and let loose 800 cats, 1000 dogs and numerous rats on the surrounding area. They are just playing with figures and not reality.
- 3 Local housing need. Does that mean drawing people from London to come and live in the new urbanised countryside.
- 4 Urban sprawl. The new village simply reduces the green belt breaker between Tonbridge, Five Oak Green and Paddock Wood. What we need is green corridors not urban ones.
- 5 New link Rd. The local plan shows a link road from Capel school to the A228. Straight through green belt and next to AONB to try to get traffic to and from the proposed village to Tunbridge Wells. From experience most traffic will wish to reach Tonbridge or Maidstone and M20 rather than the congested streets of Tunbridge Wells. How many houses will need to be built before this road materialises and breaks up another rural area.
- 6 Litter pollution. Since the lockdown many more people are making use of the footpaths along the Medway here in Tudeley. Unfortunately previous unspoilt picnic places are now suffering from left cans and packaging. It is good to see people especially younger members of society getting outside. The litter and group sizes of picnickers along the river is manageable at present but I fear the river will be overrun with an additional 6000 people within walking distance of it. Too little rural space left for the population.
- 15 .Church. The grade 1 church of all saints at Tudeley is world famous and visitors can enjoy the Chagall windows and view the church overlooking a green idle. The new village will extend down behind the church for as far as you can see.

The whole plan for Tudeley village is **unsound, unsustainable and unrealistic**. The village would destroy an area mentioned in the Domesday book for ever.

The local council elections showed the lack of faith and lack of agreement the populous of the Borough and certainly Capel, have for the Council. The chairman has been forced to resign and the Conservatives have lost their majority against the general tone in the Country.

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Remove Tudeley village from the local plan and add Castle hill development

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Christopher Hyatt-twynam ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Christopher Hyatt-twynam ([REDACTED])
Comment ID	PSLP_987
Response Date	02/06/21 22:55
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.4
Question 1	
Respondent's Name and/or Organisation	Chris Twynam
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
policy STR/SS 3 strategy for Tudeley village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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For 36 years my wife and I have lived on Hartlake Rd in Tudeley Hale. We are just outside the edge of the proposed Tudeley village development. Being retired now, twice every day I walk from my house in all directions through this beautiful part of the Medway valley with its open vistas, large skies and extensive bird and insect life. 2800 houses and their residents will affect everything in no positive way. For the people and wildlife who gain so much from this unique valley I totally oppose the Tudeley village plans as a simply dreadful idea.

Assuming Tunbridge Wells Council have to build 2800 houses somewhere in their Borough (this itself is dubious), let's look at the Pros and Cons of choosing Tudeley as the location for the new village/town.

Pros: (reasons to build here)

- 1 One landowner makes it easier for the Council to deal with.
- 2 There's a mainline railway through the middle of the site so the Council can pretend (against statements from British rail), that residents can use a train and not drive anywhere.
- 3 The site is sloping and just above the Medway flood plain so only existing residents and villages such as Yalding downstream will receive the runoff from roofs and tarmac while the new houses should be OK.
- 4 The site is right on the edge of the Borough so income will go to Tunbridge Wells and problems to Tonbridge at only 2 miles away.
- 5 The site is Green Belt so easier to build on than the AONB just across the road.

Cons: (reasons to build elsewhere)

- 1 Its a very green an beautiful slope down to the flat and lush Medway valley. The construction will be obvious to all from the North East with views of it from most of Hartlake Rd, Golden Green and Three Elm lane, the Medway itself and all the way up to East Peckham old church. A 300 acre eyesore visible for miles.
- 2 Transport. The road from Five Oak Green to Tonbridge is a winding country road already stationary at times. Residents will be driving to Tonbridge and then trying to access the services there or driving to reach the A21 corridor for Tunbridge wells and Sevenoaks. I live here and use that road for 70% of my journeys. The road is not suitable for more traffic and the access into Tonbridge is very slow even at quiet times. Tonbridge is a busy town with the car parks and roads already near their capacity. Not all the children are going to attend the proposed school, with such excellent other schools nearby as options. The new village would be an urban extension of Tonbridge as the old village is a rural extension now. Amazon deliveries alone from the A21 will be a challenge. A railway station which is most unlikely is not going to make this village in any way sustainable.
- 3 Cooperation of neighbouring Borough. Tonbridge Council demanded a robust objection to the Tudeley village (meeting 17 May 2021). It would be a disaster for Tonbridge and would alter the very nature of this lovely market town.
- 4 Noise pollution. I can hear the skylark and buzzards from my garden. They and many others will have to move away.

- 5 Air pollution. Forcing a village of residents to drive to get anywhere or most things will add pollutants to the countryside air. Never mind all the gas and oil boilers.
- 6 Light pollution. The Poacher pub is the main light polluter in Tudeley. It can be seen from a fair distance at night. The village will be like a beacon in comparison extending to areas of countryside which have next to no light pollution now.
7. Agriculture. PSLP EN20 The loss for ever of 300 productive acres of grade 2 and 3 land is a travesty if it can be avoided and goes against current Government ethos.
8. Alternative site. The proposed development option of 1800 houses next to Tunbridge Wells Retail park would seem far more suitable as residents could walk or cycle to the park and High Brooms railway Station. It also has easy access to the A21 corridor and cannot be seen from most directions. Also the land is grade 4 agricultural land and although AONB is difficult to compare favourably with Tudeley.
- 1 Community. The railway splits the proposed village into 2 halves with just one existing narrow tunnel lane joining them at the present time. The cost and disruption to a mainline railway of building more tunnels make their future existence questionable failing the whole village plan.
- 2 Biodiversity. PSLP EN9. DEFRA's biodiversity 2020 a strategy for England's wildlife aims to halt overall biodiversity loss. This area of Tudeley is rich in biodiversity. KMBRC records show 53 bird species considered to breed here. 70 species of bird regularly rely on the Tudeley site to overwinter or breed. TWBC promise a 10% increase in biodiversity once they have built 2800 homes on 300 acres and let loose 800 cats, 1000 dogs and numerous rats on the surrounding area. They are just playing with figures and not reality.
- 3 Local housing need. Does that mean drawing people from London to come and live in the new urbanised countryside.
- 4 Urban sprawl. The new village simply reduces the green belt breaker between Tonbridge, Five Oak Green and Paddock Wood. What we need is green corridors not urban ones.
- 5 New link Rd. The local plan shows a link road from Capel school to the A228. Straight through green belt and next to AONB to try to get traffic to and from the proposed village to Tunbridge Wells. From experience most traffic will wish to reach Tonbridge or Maidstone and M20 rather than the congested streets of Tunbridge Wells. How many houses will need to be built before this road materialises and breaks up another rural area.
- 6 Litter pollution. Since the lockdown many more people are making use of the footpaths along the Medway here in Tudeley. Unfortunately previous unspoilt picnic places are now suffering from left cans and packaging. It is good to see people especially younger members of society getting outside. The litter and group sizes of picnickers along the river is manageable at present but I fear the river will be overrun with an additional 6000 people within walking distance of it. Too little rural space left for the population.
- 15 .Church. The grade 1 church of all saints at Tudeley is world famous and visitors can enjoy the Chagall windows and view the church overlooking a green idle. The new village will extend down behind the church for as far as you can see.

The whole plan for Tudeley village is **unsound, unsustainable and unrealistic**. The village would destroy an area mentioned in the Domesday book for ever.

The local council elections showed the lack of faith and lack of agreement the populous of the Borough and certainly Capel, have for the Council. The chairman has been forced to resign and the Conservatives have lost their majority against the general tone in the Country.

The Tudeley village plan should be removed from the Local Plan saving this area for the enjoyment of the future residents of Tonbridge and Five Oak Green for ever.

Question 6

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Remove Tudeley village 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

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Comment

Consultee	Jose Hyatt -Twynam [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jose Hyatt -Twynam [REDACTED]
Comment ID	PSLP_995
Response Date	02/06/21 22:50
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Web
Version	0.3

Question 1

Respondent's Name and/or Organisation	Jose Hyatt-Twynam
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Question 3

To which part of the Local Plan does this representation relate?	Policy
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Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

STR 1 Development Strategy

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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STR 1 Development strategy

Exceptional Circumstances

Paragraph 11 of NPPF states 'it does not make meeting identified needs for housing and other uses a requirement: rather it advises that the protection of assets of particular importance, which include both AONBs and Green Belt may provide 'a strong reason for restricting the overall scale, type or distribution of development in the plan area'. AONB covers approximately 70% of the borough, 22% is Green Belt, and 7% of land is in Flood Zone 3 & unsuitable for development.

The Council have chosen not to use these 'exceptional circumstances' (PSLP 4.11) for not meeting housing needs within the borough.

For this reason the PSLP is unsound and not justifiable.

Local housing need assessment

NPPF states this should be 'conducted using the standard method in national planning guidance –**UNLESS exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals**'.

TWBC had the opportunity to reduce the housing numbers by following advice in the NPPF by taking into account the 'exceptional circumstances' ie the large proportion of AONB and Green Belt coverage.

The population projection of an overall borough increase of 6,155 (5%) for the plan period was calculated using out of date data from the Office for National Statistics.

TWBC are aiming to achieve 12,204 dwellings, but claim that the allocated sites in the PSLP along with existing allowances will yield up to 13,444 dwellings. This is way beyond that 'needed' to accommodate the predicted population growth in the borough.

This method of development will produce a 'false' demand for houses by encouraging movement of population to the south east away from the more expensive housing areas of London and its suburbs at the expense of green belt, AONB and quality agricultural land.

The Pandemic and Brexit are also 'exceptional circumstances' and 'justify' an 'alternative approach' to 'reflect current and future demographic trends and market signals'.

Housing requirements should be re-calculated using current population projections and this PSLP should therefore be re-considered.

Question 6

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Housing requirements should be re-calculated using current population projections to reflect any change brought about by The Pandemic and Brexit and consider the 'exceptional circumstances' of AONB, Green Belt & Flood Plain not to meet current housing need in the borough.

Question 7

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Comment

Consultee	Jose Hyatt -Twynam [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jose Hyatt -Twynam [REDACTED]
Comment ID	PSLP_997
Response Date	02/06/21 22:24
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	Jose Hyatt-Twynam
Question 3	
To which part of the Local Plan does this 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 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.

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- . It is not positively prepared
- . It is not effective
- . It is not justified
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Question 5

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STR/SS 1 Paddock Wood including land at East Capel

Green Belt PSLP 5.160 Green Belt has several purposes including: assisting in urban regeneration, to check unrestricted sprawl of large built up areas, to prevent neighbouring towns merging into one another and to assist in safeguarding the countryside from encroachment. (In the 'Assessment of Green Belt Sites' the contribution to GB purposes for STR/SS1 scored 'strong' for safeguarding the countryside, from encroachment. In this case Green Belt in East Capel prevents Paddock Wood merging with Five Oak Green and ultimately Tonbridge. The overall harm from release is recognised as 'high'. Comparing this with other allocated sites, which all (except STR/SS3) scored less on 'overall harm', it appears that no weight is being given to Green Belt criterion.

The NPPF paragraph 136 states that, once established Green Belt boundaries should only be altered in exceptional circumstances are fully evidenced and justified. that 'there should be no inappropriate development on Green Belt unless very special circumstances can be demonstrated to show that the benefits of the development will out weigh the harm caused to the Green Belt'.

Releasing land from the Green Belt for development is not 'sustainable'- it is a finite resource. TWBC have yet to provide a good case for the 'exceptional circumstances' and the justification for releasing Green Belt.

The PSLP is therefore 'unsound'.

PSLP Policy EN 20Agricultural Land

The NPPF 2019 states that Local Planning Authorities should protect the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals and protect all soils by managing them in a sustainable way. Policy EN 20 of the TWBC PSLP reinforces that statement.

The land at East Capel is Agricultural Land Classification ALC Grade 3 (source Provisional Agricultural Land Classification 1977 Mapping). This is considered as some of the 'best and most versatile land in the country (BMV).

It is land capable of consistently producing moderate to high yields of a range of arable crops, especially cereals, or moderate yields of crops including: cereals, oil seed rape, grass, potatoes, sugar beet and less demanding horticultural crops.

PSLP Paragraph 6.243 states that it is important to use areas of poorer quality agricultural land in preference to that of higher quality, but goes on to explain that 'quality' may be determined by more than the ALC grade. The 'economic and other benefits' such as infrastructure, fragmentation, and access, as well as the contribution land may make to wider ecosystem services and natural capital, are important considerations in relation to the effects of development on agricultural land. Natural capital is "that part of nature which directly or indirectly underpins value to people, including ecosystems, species, freshwater, soils, minerals, the air and oceans, as well as natural process and function".

The Government Policy 'A Green Future: Our 25 Year Plan to improve the Environment 2018' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- . protect the best agricultural land
- . put a value on soils as part of our natural capital
- . manage soils in a sustainable way by 2030

Planning applications that would result in the loss of best and most versatile agricultural land will need to justify why the loss of the agricultural land is acceptable and also assess the impact of the loss of the agricultural land on the wider farming resource, natural capital, and ecosystem services.

If TWBC are following Government Guidelines (NPPF) and their own Policies it transpires that land at East Capel should not be developed as it is Grade 3, BMV and productive land. TWBC appears to have offered no justification for losing this finite resource which is not only invaluable in contributing to the UK being self-sufficient in food production but also important in providing other important 'ecosystem services' such as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution (EN 20 6.238). It is not a 'sustainable' option, nor does it put a value on soils as part of our natural capital.

Food Policy Experts are warning that with Brexit & Climate Change threatening UK food imports, self-sufficiency should be taken more seriously. The NFU are asking for food security, which has been pushed into the spotlight by the pandemic, to be at the heart of wider government policies. In the mid-1980's the country produced 78% of our food today that figure is 64%. TWBC's plans for Capel will add to the decline.

The UK has an ideal temperate climate for growing food, but if our BMV land is covered in concrete this will be out of the question. If the land in East Capel continued to be farmed, food production could go on ad-infinitum and in essence contribute significantly to the self-sufficiency of the UK.

TWBC are taking the easy, short-sighted option by using large areas of Green Belt, good quality, agricultural land to fulfil their housing requirement for the PSLP. This is not 'sustainable' development contrary to Government Policy advice.

For this reason the PSLP is unsound.

Flood Risk PSLP EN 25

There is policy emphasis in the NPPF (paragraph 155) to steer housing development away from areas with higher flood risk defined as being Flood Zone 3.

A proportion of the potential development area at East Capel is Zone 3 and much of it is Zone 2 and consequently prone to flooding.

The Development Strategy Paper for the PSLP page 84 Paragraph 6.227, tells us that 'the relatively extensive areas of land available for potential housing development in Zones 1 and 2 within the borough has made it possible to align the selection of housing land when performing the Sequential Test, so that all potential new housing sites can be located on land zoned outside of the high-risk flood zone (zone 3).' TWBC are determined to ignore this advice by including the land at East Capel in the PSLP with no good justification other than perhaps the unrealistic ambition of flood risk 'mitigation' and 'betterment'. The erratic weather patterns created by Climate Change can only worsen the risk of serious flooding in this area. Common sense would also tell us that it would be prudent to avoid building homes in East Capel to lessen the potential risk of the misery of flooded homes to residents in the future.

For this reason the PSLP is Unsound and the allocated site at East Capel should be removed from the plan.

Biodiversity PSLP EN 9

NPPF Paragraphs 170 -183 give guidance on 'conserving and enhancing' the natural environment including sites of biodiversity, by 'minimising impacts on and providing net gains for biodiversity'. The process of building 2,000 homes in East Capel can only cause significant harm through direct removal of habitat and indirectly through noise, vibration, light and chemical pollution, to the existing flora and fauna in this area. The ensuing effect from all these factors plus the impact from domestic pets will be devastating on the wildlife.

To calculate Biodiversity losses and gains, planning applications will use DEFRA's Biodiversity Metric 2.0. The metric takes into account factors such as habitat distinctiveness and condition to give an overall score, known as 'biodiversity units.' TWBC are one of the early adopters of Net Gain policies in advance of national rollout. As the methodology is very much in its infancy several research projects (Durrell Institute of Conservation and Ecology, Lancaster Environment Centre) are underway assessing the true long-term effects on ecology in development sites.

The biometric has come under criticism for being based heavily on habitat rather than species, and weighted towards habitats such as deciduous woodland rather than cropland which is considered of low-ecological value and subsequently being lost. This could have devastating consequences for the significant populations of UK declining field bird species such as Lapwings, Linnets, Yellowhammers and Skylarks observed on the Capel farmland.

Looking at the 'Biodiversity Evidence Base Update of February 2021' it is apparent that the 'desk-based' reviews, which at the moment appear to be the only ecology assessments of the area, have only used data up to 2018. Since then many local residents have recorded sightings of flora & fauna. The KMBRC themselves also state "...the lack of information for a geographically defined area does not automatically imply a low biodiversity value for that area: it may simply be under recorded." Taking into account the use of out of date data and the likelihood of 'under recording' of flora & fauna, the initial baseline that Ecologists will be using to calculate the biometric and consequently the 10% biodiversity net gain, will not be a true reflection of the biodiversity at East Capel.

Many of the bird species recorded by the Kent & Medway Biological Records Centre (KMBRC) in the East Capel region are 'red-list' Birds of Conservation Concern and some of 'Principal Importance'.

The preliminary desk-top assessments on ecology concluded the following:

"Phase 2 Surveys: Surveys for protected and notable species potentially present within the Site and detailed botanical surveys (potentially including hedgerow and woodland survey) will be required to establish the ecological baseline for the site. Surveys are seasonal and should be completed early in the project programme to ensure pertinent information is available to inform masterplanning"...and;

"Master-planning Input: In order to protect key ecological resources and demonstrate biodiversity net gain, early ecological input to the scheme design is needed to ensure suitable mitigation for designated sites, habitats and species is embedded."

As yet there appears to be no on-site surveys available for scrutiny, contradictory to Stantec advice of 'early ecological input', which is necessary for demonstrating biodiversity net gain. Apparently the comprehensive Environmental Impact Assessment is not required until the Planning Application stage. This must be fundamentally wrong with development on this scale and will surely contribute to the worldwide loss of species.

The removal of and disturbance of habitats is contrary to the following policies and worldwide agreements:

- . The Tree Health Resilience Strategy 2018 to increase and encourage healthy woodland.

- . DEFRA's Biodiversity 2020: a strategy for England's wildlife and ecosystem services aims to '...halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks.'

- . The Global Agreement for the halt of biodiversity loss 2010–20 set an ambition to halt overall loss of England's biodiversity, and is mirrored by the

- . EU Commission's Biodiversity Strategy 2010–20 and the UN Convention on Biological Diversity: Strategic Plan Targets for 2020.

The NPPF Paragraph 175.(C) states ' development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be REFUSED, unless there are wholly exceptional reasons AND a suitable compensation strategy exists.....

The area at East Capel has ancient woodland, old hedgerows and streams supporting a myriad of wildlife including protected species such as Great Crested Newts, Dormice and Bats. There is little detail yet of the planned mitigation measures to protect these species. The Durrell Institute of Conservation and Ecology question the delivery of Biodiversity net gain and the ability to hold developers to account in their words 'unfortunately, our analysis also shows that the governance might not be there to

Ensure these promises are kept for habitats delivered within the footprints of proposed development' . There is no mention by TWBC in the PSLP of a governance mechanism in place to ensure biodiversity is monitored and achieved.

Taking into account all the above factors the TWBC promise of a 10% increase in biodiversity on site is unrealistic. For this reason the PSLP is unsound.

Question 6

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The harm to the Green Belt and biodiversity as well as the increase risk of flooding within the East Capel allocated site outweigh the questionable 'exceptional circumstances' that TWBC have used to justify its inclusion in the PSLP.

The allocated site at East Capel should therefore be removed 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)?

Comment

Consultee	Jose Hyatt -Twynam [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jose Hyatt -Twynam [REDACTED]
Comment ID	PSLP_1006
Response Date	02/06/21 23:10
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	Jose Hyatt-Twynam
Question 3	
To which part of the Local Plan does this representation 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 Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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STR/SS 3 Allocated site for Tudeley Village

I object to the inclusion of STR/SS 3 as an allocated site for development in the PSLP. It is unsound, not legally compliant.

For the following reasons:

- . At the Draft Plan stage the Tudeley Site had not been included in the thorough appraisal that other allocated sites within the borough had. There was no Green Belt Study, no Landscape Assessment and no Biodiversity Assessment.

It hadn't been put forward as a site for assessment at the initial Issues and Options Stage, where the majority of people favoured a 'corridor led approach' to development. Less than half wanted a garden settlement. Protecting the Green Belt was found to be a priority for most.

This meant that the largest housing proposal in the area did not go through the full plan preparation process, meaning that residents didn't have the comprehensive information for making representations at the Regulation 18 stage of the process.

- 1 The PSLP paragraph 4.80 states 'Engagement in planning, especially of larger more complex sites, is critical. The greater the engagement with the local community, as well as the Council and other key stakeholders, the more weight can be given to any master planning approach. There has been very little community engagement.

At Regulation 18 TWBC received over 1,000 objections to the Plans negative impact on Capel Parish. In 2020 even more dwellings have been added to Capel. Residents are certainly not being 'listened to', contravening paragraph 4.80 and the advised contribution to a 'master planning' approach.

The PSLP is therefore not legally compliant.

Garden Village & Master Planning approach.

The Tudeley Village is being promoted as a development designed on Garden settlement principles, which is claimed to be an appropriate, sustainable and effective means of meeting housing needs.

This is debatable. 5.174 of the PSLP states 'a sustainable community' includes the following qualities
1. Clear identity: a distinctive local identity as a new garden community 2. Sustainable scale: built at a scale which supports the necessary infrastructure ..

The location at Tudeley is unlikely to be a 'stand alone' community as it is located only 2 miles from the centre of Tonbridge. The population will gravitate towards Tonbridge for services, particularly the station for the easy commute to London.

The site is divided in to 2 by the railway line and in effect is '2' developments. with limited means of crossing the railway and the planned 'phasing' of the development through the plan period and beyond, it isn't going to be a 'sustainable community' with for many years. Meanwhile it has a huge negative impact on West Kent, particularly Tonbridge with the potential of an extra 4,000 vehicles on the roads.

The PSLP is therefore unsound.

Transport & Infrastructure

The plans for Tudeley Village are based on Garden Village principles which encourage the use of public transport and in this case rely on a railway station within the development site. British Rail are against a station as it will be too close to the stations of Tonbridge & Paddock Wood. It will not be built within this plan period and unlikely to be permitted after 2038.

This major development cannot be justified on a railway station that will never materialise; this is 'unsustainable' contravening the NPPF (paragraph 10). Therefore the PSLP is unsound.

Although the purpose of the master planning approach is to combine development with improved infrastructure, there is no guarantee that this will materialise and no timescale for their completion. New roads come at a very high environmental cost. The new Five Oak Green link road and Colts Hill by-pass will be taking Green Belt, BMV agricultural land and border the AONB and encouraging vehicular usage all of which contribute to 'unsustainable' development and contravene government policies.

The additional traffic created by development in Tudeley will add to the heavily congested roads in Tonbridge, which can already be grid locked at certain times. Tonbridge & Malling Borough Council (TMBC) are very concerned about the effect on the town. Their response to Regulation 18 includes 'However, the proximity of some of the major development proposals to the borough boundary and specifically, the south east of our main settlement of Tonbridge, is a matter of serious concern due to the potential impact on the local highway network, rail services and other community infrastructure including health care and education, particularly when combined with planned developments in Tonbridge as part of our own Local Plan.'

At a recent TMBC Extraordinary meeting of the Planning and Transportation Advisory Board Meeting (17th May 2021) the Councillors were very vocal in their request for writing a 'robust' objection to the proposed scale of development in Tudeley. The only person who was prepared to 'soften' this response was Ian Bailey the Planning Policy Manager for TMBC, who gave the impression that it was a case 'if we scratch their (TWBC) back they (TWBC) will scratch ours..', when he reminded the Councillors that TWBC would need to cooperate with their own Local Plan. No doubt this would be to fulfil the 'Duty to Cooperate' as a legal test of soundness of TMBC's Plan.

This is not a good reason for justifying the removal of 180 ha of green belt, BMV agricultural land when other options are available.

The PSLP is therefore unsound.

Biodiversity PSLP EN 9

NPPF Paragraphs 170 -183 give guidance on 'conserving and enhancing' the natural environment including sites of biodiversity, by 'minimising impacts on and providing net gains for biodiversity'. The process of building 2,800 homes at Tudeley can only cause significant harm through direct removal of habitat and indirectly through noise, vibration, light and chemical pollution, to the existing flora and fauna in this area. The ensuing effect from all these factors plus the impact from domestic pets will be devastating on the wildlife.

To calculate Biodiversity losses and gains, planning applications will use DEFRA's Biodiversity Metric 2.0. The metric takes into account factors such as habitat distinctiveness and condition to give an overall score, known as 'biodiversity units.' TWBC are one of the early adopters of Net Gain policies in advance of national rollout. As the methodology is very much in its infancy several research projects (Durrell Institute of Conservation and Ecology, Lancaster Environment Centre) are underway assessing the true long-term effects on ecology in development sites.

The biometric has come under criticism for being based heavily on habitat rather than species, and weighted towards habitats such as deciduous woodland rather than cropland which is considered of low-ecological value and subsequently being lost. This could have devastating consequences for the significant populations of UK declining field bird species such as Lapwings, Linnets, Yellowhammers and Skylarks observed on the Tudeley farmland.

Looking at the 'Biodiversity Evidence Base Update of February 2021' it is apparent that the 'desk-based' reviews by Stantec, which at the moment appear to be the only ecology assessments of the area, have only used Kent & Medway Biological Records Centre (KMBRC) data up to 2018. Since then many local residents have recorded sightings of flora & fauna. The KMBRC themselves also state "...the lack of information for a geographically defined area does not automatically imply a low biodiversity value for that area: it may simply be under recorded." Taking into account the use of out of date data and the likelihood of 'under recording' of flora & fauna, the initial baseline that Ecologists will be using to calculate the biometric and consequently the 10% biodiversity net gain, will not be a true reflection of the biodiversity at Tudeley.

Many of the bird species recorded by the KMBRC in the proposed site at Tudeley and its environs are 'red-list' Birds of Conservation Concern and some of 'Principal Importance'.

The preliminary Stantec desk-top assessments on ecology concluded the following:

"Phase 2 Surveys: Surveys for protected and notable species potentially present within the Site and detailed botanical surveys (potentially including hedgerow and woodland survey) will be required to establish the ecological baseline for the site. Surveys are seasonal and should be completed early in the project programme to ensure pertinent information is available to inform master planning"...and;

"Master-planning Input: In order to protect key ecological resources and demonstrate biodiversity net gain, early ecological input to the scheme design is needed to ensure suitable mitigation for designated sites, habitats and species is embedded."

As yet there appears to be no on-site surveys available for scrutiny, contradictory to Stantec advice of 'early ecological input', which is necessary for demonstrating biodiversity net gain. Apparently a comprehensive Environmental Impact Assessment is not required until the Planning Application stage. This must be fundamentally wrong with development on this scale and will surely contribute to the worldwide loss of species.

The removal of and disturbance of habitats is contrary to the following policies and worldwide agreements:

- * The Tree Health Resilience Strategy 2018 to increase and encourage healthy woodland.

- * DEFRA's Biodiversity 2020: a strategy for England's wildlife and ecosystem services aims to '...halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks.'

- * The Global Agreement for the halt of biodiversity loss 2010–20 set an ambition to halt overall loss of England's biodiversity, and is mirrored by the

- * EU Commission's Biodiversity Strategy 2010–20 and the UN Convention on Biological Diversity: Strategic Plan Targets for 2020.

The area in Tudeley supports a myriad of wildlife including protected species such as Great Crested Newts, Dormice and Bats. KMBRC records show four species of bat (common pipistrelle, soprano pipistrelle, brown long-eared and noctule) all EU protected.

KMBRC have records of Great Crested Newts, an EU protected species near Bank Farm, the centre of the development site. I have also registered sightings in our garden which is approximately 300m from the edge of the proposed Tudeley Village. The likelihood is that they also inhabit the deep drainage ditches around Sherenden Farm. The Stantec 'Desk Top' Ecology Report also verifies this "...*there is the potential for this species and other amphibian species to be present within on-site and nearby off-site ponds/ water bodies and to use terrestrial habitats within the site during their terrestrial phase (for the great crested newt the core terrestrial area is c. 50m around pond, and this species can use habitat up to 500m from breeding ponds).*" Significant measures need to be put in place pre-development, such as translocation and additional mitigation. Such measures can be astronomically costly anything between £2,200 and £100,000 per newt (as quoted in press releases), depending on what is deemed necessary, this might contribute to questioning the viability of the development. There is little detail yet of the planned mitigation measures to protect these species apart from minimal 15 m buffer zones around habitats which are not enough to protect the Great Crested Newt.

The land at Tudeley is rich in bird life KMBRC records show;

-
- . 70 species of birds regularly rely upon the Tudeley site, over winter or during the breeding season.
- . 53 bird species are considered to breed within the proposed site.
- . 12 breeding species are **Species of Principal Importance** as listed in the Natural Environment & Rural Communities (NERC) Act 2006.
- . 10 species breeding within the site are also on the **Birds of Conservation Concern Red List**, the highest conservation priority, largely due to significant population decline as a result of habitat loss and change in agricultural practices.

Yellowhammer, linnet, lapwing and skylark (all Species of Principal Importance and Red List) occur within the proposed site in high densities and all three species are undergoing significant population declines. The proposals can only exacerbate this decline through the loss of suitable fields. Indeed, with the proposals and gravel excavations, habitat will be squeezed from all sides, leading to a further and inevitable decline in numbers; a loss not just for the area but nationally.

The following bird species have also been observed (by sight or sound) by residents of Capel Parish:

*Key: UK Red List: red or amber/UK Biodiversity Action Plan Species: **

- . Blackbird / Blue Tit
- . Carrion Crow / Chaffinch / Chiffchaff / Collared Dove / Common Buzzard
- . Goldcrest / Goldfinch / Great Tit / Green Woodpecker / Greenfinch / Great Spotted Woodpecker
- . House Sparrow* / Kestrel / Linnet* / Magpie / Robin
- . Skylark* / Song Thrush* / Starling* / Stock Dove / Swallow / Swift
- . Whitethroat / Wood Pigeon / Yellowhammer*

Bullfinch*/Cuckoo* /Dunnock* /Fieldfare/Grey Wagtail /Heron /Jackdaw/Kingfisher /Kestrel/Lapwing* /Lesser Spotted Woodpecker*/Little Egret /Martin (Sand &House) /Meadow Pipit /Mistle Thrush /Nightingale /Nuthatch /Peregrine Falcon /Pheasant /Pied Wagtail /Red Kite /Redwing /Reed Bunting*/Short-toed Treecreeper /Sparrow Hawk/Spotted Flycatcher*/Stonechat/Tree Sparrow*/ Turtle Dove*

Four species of owl also occur in the area – Tawny, Little, Barn and Long-eared - itself an unusually diverse number. Note: There are few long-eared owl breeding pairs recorded in Kent; any loss would be a serious conservation concern.

Onsite Ancient Woodland, hedgerows and ponds not only provide habitat for various fauna but also flora. Of particular significance is a large population of Early Purple Orchid plants growing in the Ancient Woodland south of the railway line. The species is threatened by destruction of habitat. Encroachment by increased footfall to these woods can only add to its loss.

The NPPF Paragraph 175(C) states ‘ development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be REFUSED, unless there are wholly exceptional reasons AND a suitable compensation strategy exists.....

The scale of this development results in removal of habitat, creates fragmentation of the existing ‘green infrastructure’ with new roads and houses. Combine this with minimal mitigation measures can only add to the demise of species, undermining all the government policies to halt biodiversity loss.

The Durrell Institute of Conservation and Ecology question the delivery of Biodiversity net gain and the ability to hold developers to account in their words ‘unfortunately, our analysis also shows that the governance might not be there to ensure these promises are kept for habitats delivered within the footprints of proposed development’ . There is no mention by TWBC in the PSLP of a governance mechanism in place to ensure biodiversity is monitored and achieved, despite a requirement (PSLP Section 6; Development Management Policies (E9 Biodiversity Net Gain) stating it should be ‘for the lifetime of the development’.

The cumulative effect of development on biodiversity across the whole parish should be taken very seriously. Capel Parish totals 5228 acres, including Five Oak Green. The proposals would see development on 600 acres, or over 11% of the Parish, to accommodate 4,800 homes, or a third of the entire Borough’s supposed housing requirements. Paddock Wood is targeted for thousands more, bringing the total in one area to over 65% of the Borough’s development plans.

Development proposals will almost join Tonbridge , Tudeley, Five Oak Green and Paddock Wood together creating an urban sprawl across a rural Parish, all of which is in the Metropolitan Green Belt. The problem is exacerbated by Kent County Council (KCC) authorising gravel extraction in Capel on a further 200 acres. With additional plans for a Five Oak Green by-pass and partial Colt’s Hill by-pass proposal, Capel will lose well over 15% of its countryside to development of one type or another.

The cumulative environmental impact is likely to be far greater than if each proposal is considered in isolation.

TWBC continues to view the developments as separate, and neither Borough or County councils have discussed the wider impact of their plans upon the parish, despite stating in the PSLP EN14 6.179 “*In making decisions about the acceptability and location of new development, the Council will seek to avoid and reduce habitat fragmentation*”.

It must be apparent that any such assessment would demonstrate that the proposals, if viewed together will have greater negative consequences. This would be true not just for biodiversity, but for other matters, including flooding, the historic landscape, pollution, and so on.

Natural England’s 2005 research paper “**Going, going, gone? The cumulative impact of land development on biodiversity in England (ENRR626)**” [1] states, “Cumulative impacts threaten many of the government’s sustainable development objectives. Development that ignores the threat of cumulative impacts cannot be called sustainable because it is contributing to a net reduction of biodiversity in England.” (p.6 point 5). The main types of cumulative impact are listed as: habitat loss, habitat fragmentation (the breaking down of habitat into smaller units), disturbance (such as noise, light, vibration, recreational activity, pet predation), and chemical or biotic pollution. All of these aspects will feature heavily given the significant size of the proposals across Capel.

TWBC promise of a 10% increase in biodiversity on site is unrealistic; combine this with failure to acknowledge the unsustainable effect of cumulative impacts on biodiversity and the PSLP is unsound.

PSLP EN 20 Agricultural Land

The NPPF 2019 states that Local Planning Authorities should protect the best and most versatile (BMV) agricultural land from significant, inappropriate or unsustainable development proposals and protect all soils by managing them in a sustainable way. Policy EN 20 of the TWBC PSLP reinforces that statement.

To help inform LPA decisions on appropriate and sustainable development the agricultural land classification (ALC). ALC is graded from 1 to 5. Grade 1 being the highest and most consistent yielding with less input and it has the widest range and versatility of use. BMV agricultural land is graded 1 to 3a.

-

The land to be developed in Tudeley is Grade 3 (185 acres of productive land) to the south of the railway line and Grade 2 (121 acres) to the north (source Provisional Agricultural Land Classification 1977 Mapping). Contrary to the SHELAA for the Draft Plan at Regulation 18, page 8 which states that the land is all Grade 3. This is wrong and misleading information on which councillors were making a decision to vote on the DLP. **This factor alone makes the PSLP unsound.**

Grade 2 is 'very good quality agricultural land' with the potential to grow a very wide range of agricultural and horticultural crops giving high and consistent yields. Crops commonly include: top fruit, for example tree fruit such as apples and pears, soft fruit, such as raspberries and blackberries, salad crops and winter harvested vegetables.

Grade 3 is land capable of consistently producing moderate to high yields of a range of arable crops, especially cereals, or moderate yields of crops including: cereals, oil seed rape, grass, potatoes, sugar beet and less demanding horticultural crops.

According to 6.241 only 4.4% of land in the borough is Grade 2 and above, (meaning that land north of the railway line is particularly valuable), while 78% is Grade 3. However, some of the Grade 3 land also has agricultural constraints due to topography and other factors, but to lose even some of the best quality land in the Borough at a time when food production is so vital, and when there are alternative poor-quality alternatives available, seems locally and nationally negligent.

Paragraph 6.243 states that it is important to use areas of poorer quality agricultural land in preference to that of higher quality, but goes on to explain that 'quality' may be determined by more than the ALC grade. The 'economic and other benefits' such as infrastructure, fragmentation, and access, as well as the contribution land may make to wider ecosystem services and natural capital, are important considerations in relation to the effects of development on agricultural land. Natural capital is "*that part of nature which directly or indirectly underpins value to people, including ecosystems, species, freshwater, soils, minerals, the air and oceans, as well as natural process and function*".

The Government Policy 'A Green Future: Our 25 Year Plan to improve the Environment 2018' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to:

- . protect the best agricultural land
- . put a value on soils as part of our natural capital
- . manage soils in a sustainable way by 2030

Planning applications that would result in the loss of best and most versatile agricultural land will need to justify why the loss of the agricultural land is acceptable and also assess the impact of the loss of the agricultural land on the wider farming resource, natural capital, and ecosystem services.

If TWBC are following Government Guidelines (NPPF) and their own Policies it transpires that land at Tudeley should not be developed as it is Grade 2 and Grade 3 BMV and productive land. TWBC appears to have offered no justification for losing this finite resource which is not only invaluable in contributing to the UK being self-sufficient in food production but also important in providing other important 'ecosystem services' such as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution (EN 20 6.238). It is not a 'sustainable' option, nor does it put a value on soils as part of our natural capital.

Food Policy Experts are warning that with Brexit & Climate Change threatening UK food imports, self-sufficiency should be taken more seriously with the NFU asking for food security, which has been pushed into the spotlight by the pandemic, to be at the heart of wider government policies. The UK has an ideal temperate climate for growing food, but if our BMV land is covered in concrete this will be out of the question. In the mid-1980's the country produced 78% of our food today that figure is 64%; TWBC's plans for Capel will add to the decline.

The area to be developed at Tudeley in an average year has the potential to yield the following: 129 tonnes of blackcurrants, 265 tonnes of Bramley apples, 216 tonnes of pears, 207 tonnes of wheat, 155 tonnes of barley, 87 tonnes of oil seed rape and 175 tonnes of field beans. (*Sources: 'DEFRA Magic Maps' used to calculate the areas in cultivation (Tudeley 312 acres) and observation in the field for assessing local farming practices with information from 'assets.publishing-service.gov.uk' for average crop yields*).

In addition there is a very successful Livery yard providing a leisure service to local riders and access to the countryside via Toll Rides off-Road Trust (TROT).

If the land at Tudeley is continued to be farmed, this production could go on ad-infinitum and in essence contribute significantly to the self-sufficiency of the UK. It should be noted that the soil to the north of the railway line is particularly good and has produced exceptional crops of blackcurrants.

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An alternative site south of the A21 at Castle Hill (also within the Capel Parish and proposed as an alternative site to Tudeley Garden Village) benefits from good existing infrastructure and is Grade 4 poor quality agricultural land but has been omitted from the PSLP. If however TWBC adhere to 'A Green Future: Our 25 Year Plan to improve the Environment 2018' and prioritise BMV, this site should be considered even though it is AONB.

TWBC are taking the easy, short-sighted option by using large areas of Green Belt, good quality, agricultural land to fulfil their housing requirement for the PSLP. This is not '**sustainable**' development contrary to the Government Policy requirements.

The allocated development site at Tudeley is unsound and should be removed from the PSLP

Flood Risk PSLP EN 25 The vast majority of the Tudeley Village site falls inside Flood Zone 1, with a small parcel of land to the north located in Flood Zone 2.6.276 of the PSLP states 'It is essential that new development across the borough does not increase flood risk, and that any new development proposed in areas that are vulnerable to flood risk 'build in' additional local capacity in terms of flood mitigation and provide 'betterment' where possible'.

6.278 The Council will therefore discourage inappropriate development in areas at known risk from flooding and, as the Local Planning Authority, will take account of flooding risks in all matters relating

to development management/control, including within the Local Plan and individual planning applications, in accordance with the NPPF.

Living on the edge of the Medway flood plain and bordering the Tudeley Garden Village I am justifiably concerned about the increase flood risk, not only to our home and those nearby, but also the wider area, the villages of East Peckham and Yalding, plus the Hartlake Road and Sherenden Road. Climate change and unpredictability of today's weather patterns make it difficult to know the extent of the flood mitigation required. It only needs winters like 2013 and 2020 when the Leigh Flood Barrier was at capacity and excess water flooded Tonbridge, the Hartlake Road and further down stream, plus additional run off from the vast area of impermeable tarmac/concrete from the Garden Village to cause extensive damage.

Stephen Baughen , Head of Planning refused planning of 6 B& B units at The Poacher Pub in July 2018 he said "it has not been demonstrated that the occupiers of the development would not be at risk from flooding or that the development would not increase flood risk elsewhere. Therefore the development is likely to result in a risk to human life from flooding and is contrary to policies EN18 of the Tunbridge Wells Borough Local Plan 2006 and Core Policy 5 of the TWB Core Strategy 2010, guidance in the National Planning Policy Framework 2018 and the Planning Practice Guidance." The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF and there were not considered to be any solutions to resolve this conflict.

One year later and a town with 2,800 homes is proposed within the same area. Even with mitigation measures how can this be 'sound' planning.

Inclusion of STR/SS 3 in the PSLP is therefore unsound.

Rural Landscape PLSP EN.184.118 of the PSLP states ' plans should contribute to, and enhance, the natural, built, and historic environment of the borough in accordance with the guidance set out within the NPPF. Policy should seek to ensure that the delivery of new development is balanced against the need to conserve and enhance the character and distinctiveness of the borough's natural and built environment, in terms of the intrinsic character and diversity of the landscape, its biodiversity, and heritage assets.'

The Landscape Character Assessment 2017 in chapter 5 says 'the description of the landscape character areas within the borough will assist in assessing whether development is acceptable in a particular location'.

The Tudeley site is in Character Area 13. The report for the area includes features and qualities considered to be of particular landscape and visual value to the character area including:

"4) Areas which retain a sense of the historic landscape, where the irregular and sinuous field boundaries are overlaid on more undulating slopes, divided by hedgerows and trees – particularly around the small hamlets of Tudeley and Capel.

5) The hamlets of Tudeley and Capel which retain strong vernacular character as well as views to the surrounding countryside."

Strategy also states "The Local Character Area should be considered in the context of the High Weald AONB, particularly the role the character area plays in the setting of the AONB. The valued features and qualities of the landscape should be conserved and enhanced.

- . Respect the vulnerability of the slopes rising up to the south to new developments/land use change. New developments can be highly visible over a wide area on these slopes and detract from the essential countryside character"

The Tudeley Village is located on a south slope of the River Medway and will be visible from the north slope up to 12 miles away as such it has a major adverse visual impact and will detract from the essential countryside character. It will also harm the scenic beauty and setting of the adjacent AONB.

Development in Tudeley will create irreparable harm to the landscape therefore the PSLP 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.

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 Strategic Housing and Economic Land Availability Assessment considered the Development site at Tudeley to be 'deliverable' and achievable because it is in 'single ownership'. This should be no justification to release Green Belt, BMV Agricultural Land, increase the risk of flooding in the area, destroy biodiversity, cause congestion on the roads, add to pollution in the vicinity and harm the countryside character because it is the 'easy option' to fulfil TWBC housing requirement. Development should be distributed throughout the borough, rather than placing 51% of the Local Plan housing need in Capel Parish.

It is an opportunity to create homes and take employment to more deprived areas of the borough, to re-vitalise Royal Tunbridge Wells with more accommodation and re-consider the more accessible, sustainable site at Castle Hill.

The Tudeley Village Site should be removed from the Local Plan and housing allocation reduced within the Parish of Capel in line with a small percentage increase of its present population. Site allocation in Capel should be decided with 'community engagement'.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Richard Ingham ([REDACTED])
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Richard Ingham ([REDACTED])
Comment ID	PSLP_1339
Response Date	04/06/21 15:48
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	Richard Ingham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 5 STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	No
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

At the time of the first consultation, there were a great number of objections raised and the TWBC have chosen to ignore all these comments and approved a plan that is fundamentally flawed. The proposal for 2800 new homes on green belt land is quite inappropriate. It will cause significant congestion and there are concerns over the potential for flooding. The infrastructure will not be sufficiently developed despite assurances given by the existing landowner/developers.

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.

Although I acknowledge there is some need for housing, Tudeley is certainly not the right location and there are more suitable sites, such as the Castle Hill proposal, which has been give full consideration by TWBC.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

The new housing development will only generate more transport movements, including car usage, which will have a detrimental impact on the environment.

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	Tanyia Ingham ()
Email Address	
Address	
Event Name	Pre-Submission Local Plan
Comment by	Tanyia Ingham ()
Comment ID	PSLP_1346
Response Date	04/06/21 16:00
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	Tanyia Ingham
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Section 5 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 . It is not justified because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Having moved from central London over 30 years ago, I am dismayed that an area of green belt is going to be over developed by 2800 new houses. During this recent period of lockdown, never have green spaces been more important to our emotional and mental well being. TWBC's proposal to develop the land at Tudely has completely ignored the extensive opposition from both local residents and those living further afield upon whom it will impact.

Due to the local proximity of existing schools, the roads are currently grid locked at peak times and this new proposal will only exacerbate matters with no guarantee that the road network will be improved.

Question 6

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TWBC should consider alternative proposals such as utilising existing brownfield sites and give greater consideration to the Castle Hill proposal before committing such an extensive and insensitive development in Tudeley.

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_86

Comment

Consultee	██████████
Company / Organisation	Inspired Villages
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inspired Villages ██████████
Comment ID	PSLP_1663
Response Date	04/06/21 15:54
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	PSLP_1663 Inspired Villages SI Representation.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Inspired Villages
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 6 Housing for Older People and People with Disabilities
Paragraph No(s) 6.347, 6.349, 6.350, 6.352, 6.357

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	Yes

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Please find enclosed representations made pursuant to the Pre-Submission Local Plan on behalf of Inspired Villages. This representation specifically responds to Policy H6 of the draft Local Plan. I also attach a Local Plan representation document for your attention which discusses specialist housing for older people, the Use Class (C2) and should be read alongside the below response.

Who is Inspired Villages?

Inspired Villages is a developer and operator of retirement communities in the UK. We are majority owned and fully funded by Legal & General. We currently have six operating villages, with a further 14 sites legally secured with a number of those under construction, consented or in planning/pre-planning. Our business plan is to have 60 operational villages within the next ten years providing purpose built housing for 12,000 residents.

A retirement community falls under the extra care model and our developments are within the C2 use class. Inspired Villages is a member of Associated Retirement Communities Operators (ARCO) and we encourage Tunbridge Wells Council to engage with ARCO to assist with your understanding of the Retirement Community Sector, and would recommend you view their website:- <https://www.arcouk.org/what-retirement-community>

Recent consents we have secured / or resolution to approve include:-

- . Land at Chandlers Ford in Test Valley Borough Council – LPA accepted development as Use Class C2 (construction starts in 2021)
- . Land at Leeds village in Maidstone Borough Council – LPA accepted development as Use Class C2 (under construction)
- . Land at Turvey Station in Bedfordshire Borough Council – LPA accepted development as Use Class C2 (under construction)
- . Land at Caddington in Central Bedfordshire Council – LPA accepted development as Use Class C2 (under construction)
- . Land at Kingswood in Reigate & Banstead Borough Council – LPA accepted development as Use Class C2 (construction starts in 2021)
- . Land at Frant in Wealden District Council – LPA accepted development as Use Class C2 (construction starts in 2021)

We request that you review the eight recommendations in the attached document set out at Page 5 and request that the Local Plan is amended in line with the attached representation.

[TWBC: the above text is from the covering email sent to TWBC by Inspired Villages]

Representations were previously made on behalf of Inspired Villages by planning consultants, Turley, to the Regulation 18 version of the Local Plan these were dated 15 November 2019. The comments and recommendations made within our previous recommendations have not been considered in the preparation of the Pre-Submission version of the Local Plan.

Paragraph 6.347 acknowledges the Planning Practice Guidance (PPG) related to specialist housing for older people, which is a positive step. Later at paragraph 6.349 sets out some of the different kinds of housing for older people as referenced in the PPG. This includes retirement communities also known as 'continuing care retirement communities' or 'extra care' of which Inspired Villages is one of the leading operators and developers in the UK. However, at paragraph 6.350, the Council has determined that only care homes and end of life care come under use class C2. Inspired Villages would dispute the classification of extra care accommodation under use class C3.

Extra care accommodation should be included within the Use Class C2 (residential institutions). We have received Counsel Opinion on our development which confirms we fall within the C2 Use Class and this is what underpins our applications, including recent consents in Reigate & Banstead, Wealden, Bedford Borough, Central Bedfordshire, Maidstone, etc. We have previously submitted this evidence to Tunbridge Wells Borough Council in our Regulation 18 response and would direct you to refer to this. We would also draw your attention to the enclosed representation document which gives further justification at paragraph 2.16. An Inspired village has a high level of care and a significant amount of facilities. The level of communal facilities (non-saleable floorspace) provided in an extra care development can be as much as 25% of the total floorspace whereas a housebuilder just builds homes (i.e. they are 100% efficient vs 75% efficient for extra care). This has a significant effect on build cost. All residents are also required to undertake a qualifying person assessment prior to moving into any units.

Further, as noted in Paragraph 6.352 of the pre-submission local plan, developments falling under Use Class C2 are normally exempt from providing affordable housing as per the requirements of Policy H3: Affordable Housing. It is not viable for a retirement community / extra care development to deliver 40% affordable housing. Furthermore, 40% is inappropriate given the tenure profile for older people is towards owner occupations. The supporting text and policy will need to insert specific text for retirement community / extra care development to state that affordable housing is not required in acknowledgement of the viability issues faced by C2 uses, including extra care housing and retirement communities.

Furthermore, a retirement community is a single planning unit – the communal and care facilities and units are integrally linked, one cannot exist without the other. Legal & General retain the freehold ownership of the land and Inspired Villages is the operator. This means there is a long term interest in the operation of the village and the care of residents. It is not possible to subdivide a village to provide on-site affordable housing given the single planning unit and residents' obligations to pay service charge to contribute towards the provision of the facilities, staffing, etc.

Our form of development falls squarely within the C2 Use Class, therefore, under Policy H6 a retirement community should not be required to provide on-site affordable housing. We would direct you to understand the key ways in which specialist housing for older people differs in a number of ways that affect its viability as set out in the attached representation document. We would encourage the Council to take a proportionate approach to the requirement of affordable housing contributions from specialist operators such as Inspired Villages. Where retirement housing / age restricted housing is proposed, and which falls within the C3 use class (i.e. it provides housing with little if any facilities) then it is understood affordable housing may be sought – however, this is not the case with a retirement community as proposed by Inspired Villages.

Further, the estimated older persons housing need is calculated at 431 extra care units in the borough by 2038, as per paragraph 6.357 of the Pre-Submission local Plan. The general housing need calculated elsewhere in the draft Local Plan, for the borough is 678 units per annum or 12,200 units per year. As such, the extra care housing need target produced at 431 units to 2038 represents just 0.04% of the total housing need. This does not reflect positive preparation of the local plan and we would recommend this figure is revisited, removing reference to the SHOP@ toolkit. The SHOP@ toolkit has been withdrawn from general access following it being expressed in the PPG (Paragraph: 004 Reference

ID: 63-004-20190626). The PPG notes there are a range of toolkits, including the More Choice, Greater Voice and the Housing in Later Life, and not just the SHOP@ toolkit. The Planning Practice Guidance advises that plan-making authorities “could also provide indicative figure figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period” (Paragraph: 006 Reference ID: 63-006-20190626). This emphasis is in accordance with the PPG identifying that the need to provide housing for older people is ‘critical’, the only group identified as such in national policy guidance (Paragraph: 001 Reference ID: 63-001-20190626). We would recommend Tunbridge Wells Borough Council to commission an older persons housing need assessment to fully understand the current provision of different forms of housing for older people, and projected demand across different tenures and types, including retirement communities. Following such an assessment, the Council should include a specific policy identifying a minimum provision of specialist housing for older people.

Whilst it is positive that some allocations have been made for specialist housing for older people at paragraph 6.364, further clarify should be included in Policy H6 upon which sites the Council will support the delivery of extra care outside of this small number of allocations. Examples of such policies are included on page 12 of the enclosed representation document.

[TWBC: for representation document, please see supporting documents]

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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- 1 The Council should include extra care accommodation in those development typologies falling under the Use Class C2.
- 2 Policy H6 should specify that development falling within Use Class C2 are exempt from the need to provide affordable housing as per the wording of Paragraph 6.352 of the Pre-Submission Local Plan.
- 3 Policy H3 should also include wording confirming that developments under the Use Class C2 are exempt from the provision of affordable housing and Policy H3 only applies to Use Class C3.
- 4 The method through which older persons housing need has been calculated at paragraph 6.357 should be reassessed given the SHOP@ tool has been removed from use. We would recommend the Council appoints an industry expert to undertake an older persons housing need assessment such as Contact Consulting. This target should be included in the wording of Policy H6 and monitored through the Annual Monitoring Report to ensure delivery.
- 5 Policy H6 should include details of which sites the Council would support the delivery of extra care.
- 6 Finally, Policy H6 should consider the many and varied benefits specialist housing for older people can provide. These include savings to the NHS and social care services, improved mental and physical health for residents, as well as the freeing up of family homes.

Question 7

Please note *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

If you would like to attach a file in support of your comments, please upload it here.

[PSLP 1663 Inspired Villages SI Representation.pdf](#)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1990
Response Date	02/06/21 15:17
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1.1 Introduction and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

1.2 The site

1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

1.2.5 The site falls within the administrative area of TWBC, albeit close to the borough boundary with Maidstone Borough Council, which is demarked by Wagon Lane.

1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

1.2.9 The site could also be made available for other employment generating uses should there be a greater unmet need.

1.3 Local Plan 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 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 comments on the plan having regard to these tests of soundness as well as wider legal compliance.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

1.5 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 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 Local Plan (PSLP) is underpinned by vision and strategic objectives.

1.5.5 The vision is set out below:

[TWBC: PSLP Vision duplicated - 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 duplicated - 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 The master-planned approach to the strategic expansion of Paddock Wood is also welcomed.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

1.6.4 Finally we object to the wording of Policy ED2.

Question 6

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Supporting Information File Ref No: SI_132

Comment

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Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1991
Response Date	02/06/21 15:17
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.5
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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 1 The Development Strategy

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1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

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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.

Development Strategy and Strategic Policies

1.5.10 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 1: The Development Strategy

1.5.11 We **SUPPORT** the aims and objectives of Policy STR 1, especially in relation to the proposed major, transformational expansion of Paddock Wood.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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_132

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Consultation Point	Policy STR 3 Brownfield Land (View)
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- 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
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1.5.10 The purpose of the Development Strategy is to outline how much development will be provided to meet the needs of the borough and where that development will be located.

Policy STR 3: Brownfield Land

1.5.12 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. The under-utilised parts of the Paddock Wood Garden Centre site clearly fall into this category.

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Policy STR 4: Ensuring Comprehensive Development

1.5.13 We have **NO OBJECTION** to the aims and objectives of Policy STR 4, which seeks a holistic and fully integrated approach to the urban expansion of Paddock Wood.

1.5.14 We would however **COMMENT** that whilst the principle of masterplanning the expansion of the town is agreed, it is noted that the initial masterplanning work already undertaken by David Lock Associates, to which we have also contributed, it is proposed to undertake further work which will result in the publication of Supplementary Planning Documents (SPDs) in due course.

1.5.15 The Paddock Wood Garden Centre site is a relatively small site, which is proposed in the Strategic Sites Masterplanning and Infrastructure Main Report for additional retail and/or employment uses. Given that the site is already in garden centre retail use, and that the proposals for the site are effectively to make best use of existing brownfield but open land within the site, there is no planning reason why such development should be prevented from coming forward in the short term.

1.5.16 So long as the proposed development remains broadly in line with that set out in the initial Strategic Sites Masterplanning and Infrastructure Main Report, if necessary this site should be able to come forward in advance of the publication of a future SPD, so long as:

- the proposals are generally in accordance with the aims and objectives of existing masterplanning work and the emerging Local Plan, unless there are good planning reasons to depart from these; • the proposals do not conflict with the aim set out at PSLP paragraph 4.77 of the PSLP, which states that “the key requirement should be to ensure that a coordinated approach to new developments which have a clear inter-relationship is taken to achieve the efficient use of land, providing for different land uses in most appropriate places, and overall good planning.”

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- 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.

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1.5.18 Policy STR/PW 1 sets the Strategy for Paddock Wood and states that approximately 3,490-3,590 dwellings and accompanying infrastructure will be delivered via the planned extension to Paddock Wood.

1.5.19 Policy STR/SS1 sets the detailed strategy and states, amongst other things:

[TWBC: wording of Policy STR/SS1 duplicated here and Extract of proposed proposal map for Paddock Wood - see full representation attached].

Comments in relation to Paddock Wood Garden Centre

1.5.20 Inter Leisure **SUPPORTS** the inclusion of the site within Paddock Wood strategic growth area, and its identification within the Strategic Sites Masterplanning and Infrastructure Main Report, where it is shown on Figure 2 as a potential allocation site for new retail/employment, and is described throughout the document as being a “draft allocation”.

1.5.21 The Council’s Site Assessment Sheets note that the site is outside, but well connected to the Limits to Built Development. It is noted as being previously developed land providing commercial uses, and concludes that it is suitable for the continuation of this use, whilst making more efficient use of the site where the opportunity arises. It is therefore concluded to be suitable as a potential Local Plan allocation.

1.5.22 The PSLP no longer proposes to include individual site allocations within the strategic development area, and so the site is no longer proposed as a specific allocation. The Policies Map does however show the site to be contained both within the strategic development area and the provisional Limits to Built Development as shown below.

[TWBC: for Policies Map extract see full representation attached].

1.5.23 My client **SUPPORTS** in principle the employment proposals for Paddock Wood and confirms that in relation to this site, it is deliverable for additional retail and/or employment uses over the plan period. My client’s proposals will help to deliver additional high quality employment in the manner envisaged, including a mix of employment types and sizes in order to support the balanced economic and employment growth of Paddock Wood.

1.5.24 In particular, my client **SUPPORTS** the inclusion of the Paddock Wood Garden Centre site within the proposed Policy STR/SS1 allocation and within the Provisional Limits to Built Development as shown on the Policies Map.

1.5.25 However, whilst the aims and objectives of the policy as a whole are fully supported, the policy as drafted makes no reference to the site itself, or to proposals for employment uses outside of the proposed new employment areas at Lucks Lane and Transfesa Road, my client **OBJECTS** to the current policy wording. This objection could be overcome either by specifically identifying the clear in the text that employment and small scale retail proposals would be acceptable at other locations within the strategic allocation, including at the Paddock Wood Garden Centre site.

1.5.26 Inter-Leisure also **OBJECTS** to Map 28 in that it does not carry across the proposed identification of this site for employment use as shown on all four of the Structure Plan options set out in the Strategic Sites Masterplanning and Infrastructure Main Report. Given that there appears to be full agreement

in all of the background documents that the site is suitable for such development, there is no clear reason as to why this designation has been removed on Map 28.

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1.5.28 Finally, whilst the benefits of Design Review are recognised, and we do not object to the use of Design Review Panels being encouraged through policy, we do question whether their input at both the pre-application and post-submission stages for all applications within the SS1 masterplan area should be mandatory in all cases, regardless of the scale and nature of the proposal – which appears to be the case as Policy STR/SS1(5) is currently worded. For example, in this case the amount of development proposed would be relatively modest, and Design Review would not normally be required for proposals on this scale. This aspect of the policy should be re-worded accordingly.

1.6 Summary and Conclusions

1.6.1 In summary, this representation has been prepared on behalf of Inter Leisure 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 fully support the proposed expansion of Paddock Wood to create a balanced mix of housing and employment development, but we require amendments to the policy wording for policy STR/SS1 and to Map 28 to make it clearer that retail/employment development is supported at Paddock Wood Garden Centre.

1.6.3 We also object to the detail of some of the development management policies as set out above, which we are concerned unnecessarily replicate the NPPF, whilst providing detail which could have the unwanted side effect of unnecessarily limiting and frustrating beneficial development.

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Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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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_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
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Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1988
Response Date	02/06/21 15:17
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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/PW 1 The Strategy for Paddock Wood

[TWBC: the full representation attached has been divided between Policy STR/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

1.1 Introduction and Context

1.1.1 These representations have been prepared by DHA Planning on behalf of Inter-Leisure Ltd in respect of the Tunbridge Wells Borough Council Pre-Submission (Regulation 19) Local Plan (PSLP) consultation.

1.1.2 These representations relate to land at Paddock Wood Garden Centre that forms part of the proposed strategic expansion area of Paddock Wood.

1.1.3 Based on the current national and local planning context, we consider this the site to be suitable for development.

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1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

1.2.2 The site is an established and operational retail Garden Centre located on the northern periphery of Paddock Wood (see figure 1).

[TWBC: for Figure 1 Location of Paddock Wood Garden Centre see full representation attached].

1.2.3 It consists of a mix of hardstanding, permanent buildings, glass houses and temporary structures. It constitutes previously developed land but is situated outside of the existing Tunbridge Wells 'limits to built development' ('LBD'), but within the new LBD as proposed in the PSLP.

1.2.4 The site is not located within the Metropolitan Green Belt or within an Area of Outstanding Natural Beauty.

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1.2.6 The existing built up area of Paddock Wood is located approximately 400m to the south of the site, whilst the town centre is situated approximately 1km in the same direction. Immediately north of the site is a commercial plant hire yard, whilst railway station is Paddock Wood (1km) to the south.

1.2.7 We have included an illustrative masterplan with this representation (Appendix 1) to show how the site could be developed to provide additional retail provision to support the new housing and employment uses proposed. An extract is provided below for ease of reference.

[TWBC: for Figure 3: Illustrative site layout plan (Appendix 1) see full representation attached].

1.2.8 The proposals highlight the potential to provide additional comparison or convenience retail development (circa 1,895 sqm) by making efficient use of the extensive and underutilised parking areas.

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Comment

Agent	Mr Jonathan Buckwell [REDACTED]
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Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1994
Response Date	02/06/21 15:17
Consultation Point	Policy EN 1 Sustainable Design (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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?

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Question 3a

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Policy EN 1 Sustainable Design

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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.

Development Management Policies

1.5.29 In addition to our comments on the strategy, we have reviewed the proposed replacement development management policies as set out in chapter 6 of the document.

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Question 6

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Supporting Information File Ref No: SI_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1995
Response Date	02/06/21 15:17
Consultation Point	Policy EN 3 Climate Change Mitigation and Adaptation (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure 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 EN 3 Climate Change Mitigation and Adaptation

[TWBC: the full representation attached has been divided between Policy STR/PW1 (PSLP_1988), Policy STR/SS1 (PSLP_1989), Vision and Objectives ((PSLP_1990), Policies STR1 (PSLP_1991), STR3 (PSLP_1992), STR4 (PSLP_1993), EN1 (PSLP_1994), EN3 (PSLP_1995) and ED2 (PSLP_1996)

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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1.2.1 Our client controls Paddock Wood Garden Centre, Maidstone Road (herein 'the Garden Centre' or 'the Site') and it was promoted for development through the response to the Regulation 18 draft Local Plan. It is available for development and will contribute toward meeting identified development needs.

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- 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;
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1.3.3 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance.

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1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. In this context, and owing to such concerns, it is essential that consented uses are maximised to their full potential.

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Supporting Information File Ref No: SI_132

Comment

Agent	Mr Jonathan Buckwell [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	[REDACTED]
Company / Organisation	Inter-Leisure Ltd
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Inter-Leisure Ltd [REDACTED]
Comment ID	PSLP_1996
Response Date	02/06/21 15:17
Consultation Point	Policy ED 2 Retention of Existing Employment Sites and Buildings (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	DHA Planning for Inter-Leisure Ltd full representation and SI.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Inter-Leisure Ltd
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Question 3	

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Policy

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Policy ED2

1.5.36 We also have concerns about the wording of Policy ED2, which seeks the retention of existing employment sites and buildings across the borough as a whole, not just within Key Employment Areas.

1.5.37 Whilst we do not object to the general principles behind the policy, as currently worded the policy sets a strong series of tests which would appear to apply to the redevelopment or conversion of every employment building in the borough, irrespective of the proposed new use, and irrespective of the quality of the existing building.

1.5.38 Whilst the first part of the policy does allow for some analysis of the quality/usefulness of the building or site, as worded the second part then applies to every building or site regardless of its quality or the proposed use. At present, if this policy is strictly applied as worded, a redevelopment of the garden centresite, even for a new employment use, could require my client to provide marketing evidence and an independent assessment of viability for various uses.

1.5.39 Furthermore, the policy would appear to still apply to sites which have been clearly identified in the plan as being suitable for alternative uses.

1.5.40 We therefore **OBJECT** to the current wording. There is no good planning reason for this policy to be applied where the Council agrees that, due to the circumstances of the site, a non-employment generating use would be acceptable. Furthermore, there is no need to restrict the redevelopment of such sites where an alternative employment-generating use is proposed.

1.5.41 This objection could be overcome by:

(a) Additional wording should be provided at the start of the policy to state: "Except where sites have been identified as being suitable for alternative uses in an adopted development plan document..." (b) Before "Applicants seeking to redevelop...", the following wording should be inserted: "Where existing sites are assessed using the above criteria to be retained in an employment-generating use..."

(c) The next part of the same sentence should be amended to read: "...applicants seeking to redevelop/convert existing employment sites for non-employment generating uses must demonstrate..." (d) If there is evidence to satisfactorily meet criteria (b) or (d) then there is no additional benefit derived from delaying development proposals by 18 months in order to await the marketing of premises which have already been established to be unsuitable/unviable. The policy should be reworded accordingly.

1.5.35 In summary, whilst this overview is not exhaustive, we do have concerns about the nature of the proposed policy framework and the degree to which it appears to be trying to limit and frustrate

development. Accordingly, in the interests of positive planning, we recommend that the policy framework is simplified and refined and subject to further detailed consultation and focussed on planning matters.

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Comment

Consultee	Colin Inwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_151
Response Date	10/05/21 12:12
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policies AL/BE3 and AL/BE4

Inset Maps 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_151, PSLP_153 and PSLP_154]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
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Question 5

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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.

Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

1 Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

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(a) in writing, or

(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital

sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS

by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

Please note: *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.*

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses,

preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Comment

Consultee	Colin Inwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_155
Response Date	10/05/21 12:12
Consultation Point	Policy PSTR/BE 1 The Strategy for Benenden parish (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/BE 1 The Strategy for Benenden parish

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_155, PSLP_156 and PSLP_157]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 **Community involvement. EN1: this requirement has not been respected.**

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before*. See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds,

sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these

reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : “....In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that “an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.” No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these

policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(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. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

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For office use only

If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

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Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Comment

Consultee	Colin Inwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_153
Response Date	10/05/21 12:12
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policies AL/BE3 and AL/BE4

Inset Maps 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_151, PSLP_153 and PSLP_154]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

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(a) in writing, or

(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital

sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS

by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

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Comment

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Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_156
Response Date	10/05/21 12:12
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.7
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_155, PSLP_156 and PSLP_157]

Question 4

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Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

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Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 **Community involvement. EN1: this requirement has not been respected.**

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds,

sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is “Remote from a settlement centre,” (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, “although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively.” This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. “The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles” (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that “residents of development in this location will rely heavily on private cars.” These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 “The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School.” The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.” In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: “When more people cycle or walk the health of the population improves and our roads become safer and less congested.” Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these

reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PSLP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : “....*In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*”

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that “*an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*” No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these

policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(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. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

For office use only

If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Comment

Consultee	Colin Inwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_157
Response Date	10/05/21 12:12
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.9
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_155, PSLP_156 and PSLP_157]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

Paragraph No(s) Para 5.413, 5.414, 5.416, 5.420, 5.421, 5.422, 5.428, 5.452, 5.453, 5.454, 5.456, 5.458, 5.467, 5.468 Policy No. Objective 1, Objective 2, STR1, STR2, STR3, STR5, STR6, STR7, STR8, PSTR/BE1, Policy AL/BE1, Policy AL/BE3, Policy AL/BE4, EN1 Sustainability Appraisal SHELAA Policies Map (Inset Map No(s)) Inset Map 18

This submission concerns the parish of Benenden, the only parish in the borough to have made its own allocations. The Benenden Neighbourhood Plan (BNP) has been developed in close consultation with TWBC, with the BNP in the lead. The BNP announced its allocations in February 2019, before inviting AECOM to produce its Strategic Environmental Assessment. Pre-Submission Local Plan, para 5.420 reads "The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020." But the allocations had been made and published in February 2019. Further, Para 5.420 states "The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan." BNP allocations were first published in February 2019 i.e. before LP site allocation policies.

Allocations made by the LP, when it took up the BNP's baton, are therefore inevitably linked to BNP's weaknesses. Yet if the BNP passes a referendum before acceptance of the LP, it is said that it will take precedence over the LP (see para 5.421), with the exception of its plans for the northern site at Benenden hospital, which will be overruled by the plans advanced in the LP (see Benenden Parish Council April 2021 response to Independent Examiner queries on the BNP). This is in contravention of para 5.422 which talks of making "modifications to the LP" so that it matches the BNP.

1 **Community involvement. EN1: this requirement has not been respected.**

In Benenden, almost all new housing is slated for the East End, yet the Friends of the East End (FEE), were never asked to meet with the BNP steering group.

- . See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others. The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the Informal Draft NP (published on February 23, 2019), in which the allocations later adopted by the LP were first set out. A FEE submission with 164 signatures was submitted in October 2019 objecting to the first draft of the LP, and in the same month, a FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. See the FEE's current online petition with more than 450 signatures <https://www.change.org/EastEndFriends>

- . Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. *The ensuing chaos hardly bears thinking about.* At least it seems the opinions now being afforded most weight are those of *people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”
- . One of the regular articles on the BNP submitted by the chair of the BNP Steering Group appeared in January 2020. It dismisses FEE opposition suggesting only “31 residents from the East End” sent in comments.
- . The core group behind the BNP has consistently tried to persuade those who support the FEE to desist. The chair of the Parish Council and the chair of the BNP Steering Group have twice asked to meet a Tunbridge Wells Alliance (TWA) Borough Councillor for the parish, once together with a TWA borough council candidate, in efforts to persuade them to adhere to the BNP’s approach and not to listen to the FEE.
- . The organiser of the FEE was a member of the Steering Committee 2017/2018 as chair of the Environmental Group. She expressed strong disagreement with a Borough Councillor who lives in the village (on occasion, he deputises as chair of the Steering Group) about his wish to step up allocations in the East End and suppress TWBC’s wish to build 174 houses on site 158. As a result, the Steering Group chair (using his own word), “sacked” her. This is contrary to EN1 para 9, encouraging early, proactive and effective engagements and the requirement that views expressed should be properly considered.
- . Consultation also failed in relation to the neighbouring parish of Biddenden. The Clerk of Biddenden Council has repeatedly responded to BPC in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of the parish of Biddenden in the Biddenden Parish Magazine, February 2021.
- . The LP is based on the BNP and BNP allocations were made before consultations with stakeholders such as the AONB. This is not consulting in a timely fashion. Further, the LP requires surveys of the hospital sites *after* the designation of the sites for development, for example, archaeological surveys (see AL/BE 3&4). Historic England (HE) asks for the surveys to be carried out *before* See HE’s comments on the first draft LP (DLP_4556) - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted.*”
- 1 **The PSLP is not based on sound evidence**
 - . Throughout the LP process, misstatements have been made about amenities in Benenden’s East End. These may be traced back to a submission made by traffic and highways consultants, Transport Planning Associates (TPA) to Benenden Healthcare Society Ltd. (BHS). This submission was recently disclosed in BHS’s response to the Independent Examiner’s queries in relation to the BNP. TPA’s information is sometimes inaccurate and sometimes misleading and we consider it here in detail because it is difficult otherwise, to understand how the LP was able to continue, iteration after iteration, to relate false information about the hospital site.
 - . In October 2019, TPA reported (para 2.6) that there was a footpath along the southern edge of Goddards Green Road (GGR) and the PSLP, para 5.452 states “There is an intermittent pavement along GGR”. The GGR is a long road running from New Pond Road to Castleton’s Oak crossroads, and was formerly a lane. The pavement is limited to the short section immediately outside the hospital buildings. To say that there is an intermittent pavement along GGR is misleading.
 - . The TPA refers to the East End as a village, which it is not. The East End runs from the junction of GGR and Walkhurst Road, along the GGR to the border with Tenterden, then turns south to reach close to Hole Park in Rolvenden, then east back to Walkhurst Road at the site of the stream, then along Walkhurst Road back to GGR (see the old Electoral Roll for 2004 when the East End had its own polling station). It is a large, totally rural area of several square miles, which was why it was chosen as the site for an isolation hospital in 1906. Today it contains only 76 houses scattered across the entire area. The PSLP consistently refers to the East End as a hamlet. It is not, which is why BPC is able to advertise itself on its website as “Serving the people of Benenden and Iden Green” without any reference to the East End.

- . The TPA says that “a day nursery is located immediately to the north of the Site within 400m.” There is incorrect, yet this error is repeated in para 5.413 of the PSLP “There are also nursery/pre-school facilities at Iden Green and East End.” An accurate account would mention Iden Green only.
- . The TPA states that there are daily bus services along GGR provided by bus nos. 24 and 299, and twice a day service provided by the Hopper bus. This information is incorrect. The 2019 Hopper bus, operated by the Tenterden social services hub on an experimental basis, failed in only a matter of months. While the 24 and the 299 buses pass along GGR, they do so on only one day a week. The 24 on Tuesdays and the 299 on Wednesdays. The East End has almost no public transport.
- . The TPA makes several statements in relation to traffic which have fed misinformation into the system to be reflected in AL/BA3&4. This misinformation was only recently revealed when documents were provided by BHS following April 2021 queries raised by the Independent Examiner on the BNP. These documents include a TPA ‘Scoping Note’ on road and traffic conditions at the site and a letter written in response to this Note from KCC Highways, dated 13 Nov. 2019. The TPA states that the GGR is 7m wide at the hospital site which detracts from the fact that it is actually a winding rural lane, now called a road, and varies considerably in width. It may at some point be 7m wide, but at others, it is so narrow that two lorries have difficulty passing each other. The TPA claims that there is no need for a road safety review because there have been “no personal injury accidents” recorded within 1,000m. Castleton’s Oak crossroads lie 1.5 km from the site and accidents there are frequent, largely due to increasing traffic at the hospital. The hospital has turned itself into an almost exclusively out-patient centre and almost all its 300 employees drive in to work from outside the parish (formerly, they were housed on site in hospital staff buildings). Kent County Council (KCC) Highways make constant and repeated attempts to lower the risk of injury at the crossroads. Works there are ongoing at this time. The TPA claims that no traffic surveys are necessary which is a point queried in the KCC Highways’ email. The email talks of the “heavy car dependency” of residents in any housing in this location and says this was one of its concerns, even at the time of the original application asking for only 24 houses. The email states that BHS’s plans (and therefore AL/BE 3&4) are contrary to the NPPF and to KCC’s own policy objectives, and points out that the hospital has not co-operated over the idea of a minibus to provide transport from the site to Benenden. The letter calls for: traffic counts along the GGR; a wider crash analysis; and expresses concern over the proposed access points to the SE Quadrant - 2 on Green Lane and 2 on GGR. Lastly, on trip generation, the TPA projects that 47 houses at the site will produce only 106 trips a day, though the consultants admit that they have difficulty in basing their estimate on comparable sites because there are none. These trip generation figures ignore existing traffic from local residents, from patients, from hospital staff and from the newly (January 2021) proposed housing estate at Cleveland. The AL/BE 3&4 fails to provide a traffic count, fails to ask for a road safety review and fails to acknowledge frequent traffic accidents near the sites.
- . Pre-submission supporting documents also produce inaccurate and sometimes irrelevant evidence. The hospital sites are within the setting of an AONB and even overlap into it, yet *Inset Map 18* (Benenden Hospital), unlike other maps attached, makes no reference to the AONB boundary. The BNP claims that the hospital is outside the AONB and on this basis, since the rest of the village is wholly within the AONB, largely justifies placing most of Benenden’s housing in the East End. The relationship of the AONB boundary to the hospital sites is important yet it is ignored on the map. This looks like prejudice.
- . Hankinson Duckett Associates’s *AONB Setting Analysis Report* (a supporting document for the PSLP, referred to as an evidence base) is, in its analysis of AL/BE3&4, unsound. The analysis argues that development at these sites will enhance the setting of the AONB. It illustrates the argument with photos of the hospital chapel and its carpark. Neither chapel nor car park are in the area up for development.
- . The *Sustainability Appraisal* (SA) is misleading. Table 58 on page 163 states that all Benenden sites “lack services, facilities and travel options”. This belies the fact that AL/BE2 (Feoffee almshouses) is close to the Street as is AL/BE1 (Uphill). Both sites are within walking distance of the bus stop for daily bus services, the post office, village shop, the primary school, the village green, the butchers, pub, community hall, church, recreation ground and children’s playground. AL/BE 3 & 4 are three miles northeast of the village with no daily bus service and no amenities whatsoever.

- . The commentary on Table 58, (page 163 of the SA), states that East End sites score badly on Climate Change and Travel, yet these are the sites promoted for most houses.
- . The SA argues on page 163 that East End residents will send their children to schools in Tenterden instead of to the village primary school, and that this will lessen the otherwise seriously negative effects of the two hospital sites. This is pure conjecture and possibly wishful thinking. The school has a good reputation and currently between 70 and 75% of children there come from outside the parish. East End children will have precedence over these, since intake depends on the distance of a child's residence from the school. Pressure on Benenden Primary School will increase, not decrease. Further, the use of a car, whether it drives to Tenterden (5-6 miles) or to Benenden (3 miles), pollutes and deprives residents of the health-giving pleasure of walking to school. The AL/BE 3&4 are contrary to STR2, to the NPPF and to KCC policy on climate change.
- . Appendix L (pp331-2) shows *Scores for Reasonable Sites in Benenden*. Here we see scores for 158 and 222, two sites close to the village centre. Of 158, we read "A site that scores several neutrals with some positives, let down by its land use and landscape score impacted by a loss of a greenfield site in the AONB and *lack of services and facilities including public transport at the settlement.*" This SA report compares poorly with the SA TWBC carried on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. In April 2018, BNP Steering Committee Deputy Chair, a borough councillor, showed the committee a piece of paper from TWBC saying that TWBC wishes to build 174 houses on site 158. He committed himself to seeing these numbers reduced and the numbers at the East End raised. After a meeting between representatives from the BNP group and TW planners on June 19th, 2018, the minutes reported that "At times the workshop was emotive ...". Following that meeting TW planners put site 158 on temporary hold, limiting development there to a future Local Plan by asking, in the first draft of the LP on page 270, that the Uphill site on New Pond Road, adjacent to 158 and allocated at that time as AL/BE3, should, under Clause 8, provide for vehicular access through Uphill to the site behind (158) "which may be allocated for development as part of a future Local Plan." In the PSLP, this wording for Clause 8 has disappeared. Where is the evidence-base for such wording to be included in the first draft and excluded in the second? Why is the site considered suitable in 2006, in 2018, and in the first draft, but not suitable in the PSLP?
- . Site 222, like 158 is described in Appendix L of the PSLP's SA as suffering from "a lack of services and facilities including public transport at the settlement." This is inaccurate. There is a daily bus service along Benenden Street and site 222 is within easy walking distance of the bus stop, shops, pub, community hall, primary school and all other amenities.
- . Site LS8, in the heart of Iden Green is, along with site 158 and 222, a site which on-the-ground evidence suggests is eminently suitable for development, but which the SA fails to allocate. Appendix L of the SA gives LS8 virtually the same scores as Uphill (LS16 of AL/BE1) yet the latter is included for development and the former is not. The commentary states of LS8 "A number of scores are negative however, reflecting the remote location of the site from services and facilities and public transport. It scores negatively in heritage terms as the site is a relatively sizeable piece of the Iden Green Conservation Area." This site is far less remote than sites AL/BE 3 & 4. It is one mile from the village and connected to it by a paved footpath running past a Roadside Conservation Area and then (still paved) through a field to the church and primary school. It is on a bus route and the bus stop is next to LS8. Iden Green has a community hall, tennis courts, a children's playground and pub/restaurant. The SA information is unreliable and the PSLP's use of it for site allocation is unwise.

1 Policies AL/BE3&4 are not consistent with the PSLP's Vision objectives nor with its strategies, nor with KCC's policies, nor with the NPPF.

The PSLP's Vision Objective 1 is : "to improve access to suitable, especially affordable housing, including for local young people and older households." But this is inconsistent with allocations AL/BE 3 & 4. BHS is asking in its comments on the LP first draft, for a lower number of affordable homes because of the high cost of brownfield development. Living isolated in the countryside, families will need at least two cars. Old and young will be unable to walk to schools, shops or any other amenities. This is not a suitable site for a borough which (see para 2.16) expects the population over the age of 65 + to increase by around 40% between 2020 and 2038.

The PSLP's Vision Objective 2 is to ensure sustainable development which allocations at AL/BE 3&4 do not achieve. On the contrary, the KCC warns that even with the existing permission for 24 houses on AL/BE3, the highway authority had concerns. This is an isolated location, deep in the countryside (see KCC Highways email 13 Nov 2019). More than 24 houses in this location is not sustainable.

Policy PSTR/BE1, LBD 5.416 states "the LBD around Benenden village sets the extent of existing and planned development .." This conflicts with the recommendation that major development be instated three miles beyond the LBD, on the border with Biddenden.

Policy STR 2 "The Council requires the use of masterplanning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments.." This is undermined by AL/BE 3&4 which calls for a masterplan for an area not included in the PSLP and not presented. Para 1a of Policy AL/BE3 states that there is a need to "show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not clearly indicated from the start.

A masterplan is essential to avoid current inconsistencies on the size of areas to be developed: AL/BE3 excludes one of the 2 Local Wildlife Sites (LWS) at the site, yet the BNP includes both. Para 5.458 states "Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development.." They do not. The PSLP states that in the event of a successful referendum, the BNP's proposals will prevail. If this is so, are we supposed to assume that AL/BE3 map is inaccurate?

A similar problem arises at the northern site (AL/BE4) here there are currently 18 dwellings. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP. The LP includes the LWS in the area to be developed but the BNP includes only a small section, but says in the event of a successful referendum the BNP plan will be over-ruled by the LP plan (see the BPC response April 2021 to the Independent Examiner's queries). This is the reverse of 5.421 & 2. It is unsound to proceed with a plan when the NP and the LP are at odds with each other.

The PSLP claims building will only be within existing footprints, an approach which is at odds with that of the BHS. Plans for 47 new houses in AL/BE3, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS.

Policy STR 3 calls for the use of brownfield sites "within settlements" and in "sustainable locations." AL/BE 3 consists of disused medical buildings and 2 LWS with parkland and veteran trees (depending on whether this second LWS is included or not). 5.448 is therefore incorrect. The site should be described not as brownfield but as partly brownfield. It is not on the brownfield register. Because of its remote location and its valuable LWS sites, it is not free from constraints which could be mitigated. As such, Policy AL/BE3 does not meet the criteria needed under the NPPF, Section 11, para 117 for development in "a way that makes as much use as possible of previously-developed or 'brownfield' land." AL/BE 4 contains in-use residential housing and an LWS and therefore is not brownfield.

Policy STR 5 states that "New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development." Will this happen at AL/BE3&4? Developers themselves are to provide the infrastructure at AL/BE 3&4. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds,

sports facilities and tennis courts. We know from submissions following the first draft LP, that BHS is actually planning to remove one LWS entirely and that its plans include building on the LWS and beyond the foot print of previous buildings. BHS suggests, in its response to the first draft LP (DLP_4956) that it is unlikely to provide play-grounds, sports facilities and tennis courts. The PSLP's approach does not take comments to the first draft LP into account.

Policy STR 6 proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the PSLP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport. The Benenden hospital sites have no daily bus service and no active travel link to the village, and neither the PSLP nor the BHS provide credible information on how these links are to be provided. The KCC email of Nov 13 suggests that the hospital is uncooperative on the proposal to organise a minibus service and the SHELAA says of AL/BE3 that it is "Remote from a settlement centre," (unlike sites 158, 222 and LS8); that residents will rely heavily on private cars and thus air quality and travel objectives score negatively; and that, "although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change score negatively." This we feel is the nub of the issue. For all the talk of mitigating the remoteness of the hospital sites with a minibus link and cycle routes, nobody actually believes that any of these measures will succeed. As for the proposal to create links suitable for electric personal vehicles, such as mobility scooters (as suggested under STR 6), it is difficult to see, when the closest link with the village is a single-track lane (Walkhurst Road), how any personal electric vehicle could make that journey. The PSLP is creating, through its policies AL/BE3&4, a car dependent community. This thereby negates the sense of the LP's supporting document, *Transport Strategy Review Sept 2019* which urges reducing the need to travel.

AL/BE3&4 also undermine TWBC's Full Council motion of July 2019 to reduce CO2 emissions. "The dominance of the car as a mode of transport can lead to congestion, more road accidents, air and noise pollution. In addition it contributes to climate change, reduces social cohesion and leads to less healthy lifestyles" (para 44 *Transport Review*). According to TW's own SA from 2006, if social cohesion, reduction in air pollutants, and public health were indeed the borough's priorities, sites chosen for development in Benenden would have included site 158.

PSLP paras 5.453 and 5.467 state that "residents of development in this location will rely heavily on private cars." These plans runs counter to STR6 policy on the environment see paras 6.8, 6.9, 6.10, 6.11 and 6.13. It also contravenes KCC policies on climate change and the NPPF (see KCC's Nov 13, 2019 letter on this subject).

Para 5.414 "The parish provides two relatively large sources of employment: at Benenden Hospital and at Benenden School." The inference is that the employment opportunities are linked somehow to the population of Benenden. There is in fact little connection. The 300 plus staff at the hospital drive into the parish along GGR to work and, since the hospital is isolated from the village, their contribution to the local economy is negligible.

Policy STR 6 The LP proposes to "Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough." In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport or to prioritise active travel and public transport.

Cycle routes: The PSLP's standards on the public benefits of cycling and walking are based on the *Cycle Strategy Supporting Document*, but these standards are undermined by site allocation in Benenden. The Cycle document states that: "When more people cycle or walk the health of the population improves and our roads become safer and less congested." Its objectives 4 and 5 are to improve safety for cyclists and air quality for all, but AL/BE 3 & 4 will create a community, deep in the countryside, entirely dependent on the car and will contribute to poorer air quality for all. The allocation of these sites, as opposed to sites such as 158, is difficult to understand.

The *Cycle Strategy* states that fear of traffic is possibly the main factor discouraging people from cycling. National Cycle Route 18 runs from the Rolvenden Road, down Stepneyford Lane, to Green Lane, before joining the Benenden Road near the hospital, turning right and leading to Castleton's Oak Cross roads and Gribblebridge Lane. This route is a largely on-road ride travelling through the High Weald, using narrow, picturesque country lanes as much as possible. Green Lane/Stepneyford Lane is mentioned in TWBC's Rural Lanes: Supplementary Planning Guidance. It is particularly high scoring in terms of its landscape, its recreational value, its natural beauty and its history. For these

reasons, it is part of National Route 18. Rather than encouraging cycling, AL/BE3, which proposes two exits for this major development on GGR and two on Green Lane (where a second housing estate, at Cleveland Farm is already leading to Kent Highways calling for road widening and the elimination of grass verges - see building application 20/03267/FULL) will cause an increase in those factors, identified in *TW Cycle Strategy*, as discouraging cyclists, namely, traffic and the loss of unspoilt country lanes. Policy AL/BE3 also contravenes Kent Structure Plan Policy ENV13: "Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced." In any event, the cycle route is purely recreational and will not enhance the sustainability of these sites.

Policy STR 7 proposes, in dealing with TWBC's 2019 legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030. It is unsound, with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages where there is no shop (in spite of the PLSP's statement AL/BE 3&4) and no café (BHS says its café was built for its own use not for the use of the public - see comments on the first draft of the LP). Residents will need their cars for almost everything.

Policy STR1 promotes the effective use of previously developed land, having due regard to relevant Plan policies, but in promoting AL/BE3&4, the PSLP disregards STR6 (environmental goals) & STR7 (transport goals).

Under the NPPF, sustainability is the priority, as the PSLP acknowledges in STR3, 4.65 "A presumption of sustainability lies at the heart of the NPPF", but in allocating AL/BE 3&4, the PSLP fails to respect its own and the NPPF's strategic priorities.

Policy STR 8 states that development should contribute to and enhance rural landscapes with particular regard to the High Weald (HW) AONB. The PSLP promotes nature conservation. Its biodiversity objective is to achieve net gains and, where possible, secure long-term management of sites for biodiversity. AL/BE3 runs counter to this strategy since the BHS has produced plans showing houses built over the LWS. It has, furthermore, produced a document requiring that one of the two LWS be dug up and removed to another unspecified location, thereby nullifying the terms of the existing Landscape and Ecology Management Plan (LEMP) for that site. Para 3.21 of the BHS submission on the first draft LP states: *"The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peak Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."* This is a particularly significant site for biodiversity. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI. Both in terms of waxcaps and in terms of valuable acid grassland, the hospital sites have high environmental value, see Comment DLP_3458 on the first draft of the LP, from the High Weald AONB Unit. The Benenden Hospital site *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* AL/BE3&4 threaten the biodiversity of significant species in the LWS at the hospital sites, contrary to EN1.

The LWS to the south of AL/BE3 is included in the BNP and BPC argues that this has been done in order to protect it (see their response to the Independent Examiner April 2021). It is difficult to follow this logic. The inclusion of the site in the area to be developed suggests that it too could be under threat.

There is no plan showing the placement of houses on AL/BE 4, which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The PSLP includes the LWS in the area to be developed and the BNP excludes most of it. Benenden Parish Council (BPC), in its April 2021 response to the Independent Examiner, has said that, in this case of a successful referendum, the PSLP's plan (which includes the LWS), will prevail. In other words, of the 3 LWS in AL/BE 3&4, one is slated for removal, one will be built over if the PSLP prevails and one may be built over if the BNP prevails. This undermines STR8.

The PSLP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454), but the claim is not supported by evidence produced by the *Hankinson & Duckett* (see above) while the HW AONB unit’s own view is the opposite. See TW first Draft LP, **DLP_3458 High Weald AONB Unit** (which objects to the Plan) : “....*In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.*”

Also, the NPPF section 2 para 11

“Plans and decisions should apply a presumption in favour of sustainable development... (b) strategic policies should provide for objectively assessed needs for housing ...that cannot be met within neighbouring areas unless ... (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area.” And see Footnote 6: the policies referred to are those in the Framework ...relating to habitat sites (and those sites listed in para 176) and /or designated as SSSI, AONBs

NPPF para 177 requires that “*an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.*” No such assessment has been undertaken.

PSLP EN1 para 5. Biodiversity and geodiversity.

AL/BE 3&4 run counter to this policy as stated above in relation to the LWS.

The Environment

STR8 sets high environmental standards but these are undermined in the site allocations. This is particularly startling in the light of the July 2019 Full Council motion to recognise the climate and biodiversity emergency, in fact, the Benenden allocations put into question whether the motion was passed in good faith.

EN1 para 5 (Biodiversity and geodiversity) says that proposals should maximise opportunities to increase biodiversity. This goal may make sense in an urban setting, but development in the countryside, as is proposed in AL/BE 3 & 4, cannot hope to ever mitigate biodiversity loss. The destruction of trees and wild spaces, the introduction of lighting, kerbs, driveways, wider roads and narrower verges, the use of concrete, tarmac, bricks and mortar in a deeply rural setting cannot “increase biodiversity”.

EN1 provides for Long-term Management plans which would be satisfactory within an urban context. In a rural location like the East End, such plans are no substitute for natural wild spaces. A ‘managed’ green space set among streets is less likely to promote biodiversity and less likely to conserve wildlife than ‘unmanaged’ green space. Further, the three LWS in AL/BE3 are all already part of an existing LEMP agreement, and since one or all would be removed in the case of development as outlined by BHS under AL/BE3&4, instead of creating a long-term management plan, AL/BE3&4 would all but terminate an existing one. The sentiments expressed in EN1 are mocked by AL/BE3&4.

1 Site policies

AL/BE3 excludes one of the 2 LWS at the site, and the BNP includes both, yet para 5.458 states “Both this policy and BNP draft Policy SSP3 broadly follow the same approach towards the potential for developing this site for a residential development..” This does not appear to be the case. Further, the SHELAA treats this site twice, once including the southern LWS (and excluding Windmill Cottage) and once excluding the LWS and including Windmill Cottage (SHELAA pages 1-3 and pages 18-19). In the second instance, the suggestion is for 67-73 houses, presumably building over the LWS. The first plan is the one adopted in the PSLP and appears to be the more accurate of the two in that it describes the site as “mostly PDL”. The second ignores all greenfield aspects and is almost identical to the plan in the BNP, a plan which BNP claims will prevail if it wins a referendum. Is AL/BE3 presenting us with the wrong plan?

AL/BE3 and AL/BE4 provide for a phased timetable for development of the two sites at different time intervals without calling for a comprehensive masterplan for the hospital site as a whole i.e. for the entire built up area. This is inconsistent with STR2, which requires a masterplan for large developments. The full extent of the area to be developed must be clear. See para 1a of Policy AL/BE3 which states that there is a need to “show indicatively how the other areas included within Policies AL/BE3 and AL/BE 4 can be developed to meet the overall policy requirements as set out within each of these

policies, and *how the future needs for Benenden Hospital will be met on areas to the north west and south west that currently comprise the hospital buildings and associated ancillary uses and is previously developed land.*" It is not sound to proceed with an LP where the land to be developed is not indicated from the start.

AL/BE3&4 both call for an active travel link between the site and Benenden village. This proposal has been costed (see BPC's April 2021 reply to the Independent Examiner) at between £180,000 and £220,000 for a 3m wide tarmacked surface, plus costs to upgrade it to a bridleway, plus the costs associated with obtaining landowners' consent or, failing that, of starting compulsory purchase proceedings which TWBC expresses reluctance to undertake because of the significant compensation costs and legal costs which would be involved. No steps have been taken either by the BNP or TWBC to ascertain the willingness of landowners to give up their land although the major landowner involved wrote to BNP on 11th Sept. 2019 objecting to the plan. It is understood that he was not contacted for subsequent discussion.

AL/BE3&4 calls for the repurposing of the existing tennis courts for the use of local residents, which BHS denies it will offer for public use; for the public use of the hospital's café; for the creation of a hospital shop (5.413); for a minibus service linking the hospital to the village ("The Society is not a transport provider" is BHS' response); for green space, a playground and provision of a community hall - most of these policies are refuted in Savills' comments on behalf of BHS, in the first draft of the LP, DLP_ 4956 paras 3.14, 3.18, 3.19, 3.20, 3.46 and 3.47. Rather than agreeing to such policies, the hospital is calling on TWBC to introduce a more flexible funding system to allow a *reduction* of developer costs. BHS argues these will be high because they wish to demolish existing buildings. It is unsound to propose policies which cannot be implemented. Once the sites are sold, no relevant conditions to this effect could be imposed.

1 The PSLP is unsound because of inconsistencies in the treatment of different sites.

(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. The PSLP's prose entirely suited the opaqueness of the procedure. Here is one example from the SA (page 163) "However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School."

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Comment

Consultee	Colin Inwood [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Colin Inwood [REDACTED]
Comment ID	PSLP_154
Response Date	10/05/21 12:12
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Email
Version	0.6
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Colin Inwood
Question 3	
To which part of the Local Plan does this representation 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

Paragraphs 5.410 to 5.470

Policies AL/BE3 and AL/BE4

Inset Maps 17 and 18

[TWBC: this representation has been input against Policies PSTR/BE 1, AL/BE 3 and AL/BE 4 - see Comment Numbers PSLP_151, PSLP_153 and PSLP_154]

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.

Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

1 Regulation 3(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended provides:

“where within these Regulations a person may make representations on any matter or document, those representations may be made—(a) in writing, or

(a) in writing, or

(b) by way of electronic communications”.

These options are not stated to be available on the website, except by using the Representation Form. The process of getting to download and complete this response form is unnecessarily convoluted, which has the effect, if not the intention, of making it difficult for the ordinary citizen without special IT skills. For example, we are asked to log in to an organisation to which this process has no doubt been outsourced, complete a separate form for each representation which we wish to make, and limit ourselves to specific areas of comment. This is unnecessarily laborious and does not meet the requirements of Regulation 3(2).

1 Paragraphs 5.421 and 5.422 state that in the event that the Benenden Neighbourhood Plan is adopted all the policies relating to Benenden AL/BE 1 to 4 will be omitted and the Neighbourhood Plan will be used instead. It is submitted that this is unlawful. Nowhere in the Act or in the Regulations is the Local Planning Authority given the power to delegate its statutory duty to another authority. Regulation 5 does not have this effect. Section 15 of the Planning and Compulsory Purchase Act 2004, as amended, requires the Local Planning Authority to prepare and maintain a local development scheme which must specify development plan documents. Section 19 (2) sets out the matters to which it must have regard. Nowhere is it given power to

pass the duty over to a parish council. This is important because the *merits* of a Local Plan must undergo an independent examination (see Section 20) whereas the merits of a Neighbourhood Plan do not. They are subject to independent scrutiny to see whether they comply with the rules, thus a Neighbourhood Plan may be adopted without any consideration of its merits. This amounts to a breach of the rules of Natural Justice (*delegatus non potest delegare*).

- 2 Under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended, regulation 18 (3), the Local Planning Authority *must* take into account any representation made in response to a representation made under Regulation 18 (1). The Local Authority has been told in the clearest terms in my previous submission of 30 October 2019 and that of many others at the same time, that there is no shop nor pre-school nursery at the East End. Yet paragraph 5.413 of the Plan perpetuates the myth that there is a shop in the hospital and nursery/pre-school facilities at the East End. This statement appears in the original versions of the Local Plan, to which its attention was drawn in many other earlier objections. There are no public amenities at the East End, there is an in-house café at the hospital, reserved for patients and staff, not open to the public. The Planning Authority should know this. This affects the sustainability of the proposals at AL/BE 3 and AL/BE 4.
- 3 Policy PSTR/BE1 item 3b and c requires that developers who acquire land in Benenden village will have to make contributions which will be used towards the provision of the expansion of Hawkhurst primary school (which does not serve Benenden since it has its own primary school) and library provision, adult learning and social care at a new Cranbrook Community Hub, which has nothing to do with Benenden. These items do not appear in the Benenden Neighbourhood Plan for obvious reasons. They cannot properly amount to proposals for Benenden.

4 **Soundness, consistency and correct evidence**

The Local Plan (LP) sets out a vision and strategies which are undermined by its allocations, particularly by its allocations to the East End of Benenden at the two hospital sites, AL/BE3 & 4, sites which are roughly 3 miles equidistant from both Benenden and Biddenden (but just in the parish of Benenden). The LP is not sound nor are its strategies consistent with its policies in relation to AL/BE 3 & 4.

1 **Vision**

Vision Objective 1: “to improve access to suitable, especially affordable housing, including for local young people and older households.”

- . Para 5.467 states of AL/BE3 “it is likely that residents of development in this location will rely heavily on private cars”. The same is said for AL/BE4.
- . The plan allocates affordable housing to an area with intrinsically higher living costs instead of to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre
- . While the LP asks for 30% affordable housing, the Benenden Health Society (BHS) is asking, in its comments on the TWLP draft plan, to have this figure reduced
- . The sites will not be suitable for the elderly who will be unable to walk to shops or amenities, yet the LP states that the over 65s are an increasingly important part of the population. They are expected to increase, as a percentage of the total population, by 40% during the period of this plan.

The viability of the two sites depends almost entirely on the plan’s attempt to mitigate the problem of unsustainability. The mitigation proposals are unsound.

1 **Transport:**

- . The proposal is for public transport connections and active travel links, but the BHS in its response to the TW draft LP states (DLP_4956.3) that it not a transport provider and will not run a daily service into Benenden, nor a regular service to Tenterden. All it offers is some financial contribution towards such services. Who will bear financial and organisational responsibility for them? This proposal is based on conjecture and wishful thinking.
- . The LP does not map out any active travel links with the village because there are none. Establishing such links would require land purchase. Who will purchase the land and set up the links? The proposal is based on conjecture and wishful thinking. Even if such a link in the form of a cycle path is provided, it would only be used for leisure cycling, not for shopping or taking the children to school.

1 **Amenities:**

The SHELAA acknowledges that the hospital sites are unsustainable. It states they are “remote from a settlement centre”. The unsustainable nature of site AL/BE4 is demonstrated in Table 58 of the Sustainability Appraisal (page 163). AL/BE4 scores as being “very negative” to “negative” on the

sustainability topic of Services and Facilities, and as being “negative” on the sustainability topic of Travel. The same is true of AL/BE3. Sites 158 in the village, and LS8 in Iden Green, on the other hand, have no very negative scores, appendix L page 331.

The amenity problem is to be partly overcome, according to the LP, by establishing public access to the hospital shop and to its café, but this mitigation measure is wholly unsound because:

- . There is no hospital shop at present
- . The BHS states in its response to the TW draft LP that its facilities, including the café, have been designed solely for hospital use so even if there were a shop, it would not be available to the public.
- . The land at AL/BE 3 is currently up for sale. Once it has been sold, the BHS could not be bound by any planning conditions, which run with the land.

1 Strategies

The LP's policies on AL/BE 3 & 4 undermine the following Strategic Policies

Policy STR1, which calls for a focus on new development within LBDs and for a limit to development in the countryside.

Sites AL/BE 3 & 4 are almost three miles outside the LBD and in the countryside, midway between the villages of Benenden and Biddenden.

Policy STR 2

“The Council requires the use of master planning, including the use of design codes and sustainable design standards where appropriate, for strategic and larger-scale developments..”

This is undermined since no master plan has been produced for sites AL/BE 3 & 4

Policy STR 3 Calls for the use of brownfield sites “within settlements” and in “sustainable locations.”

AL/BE 3 & 4 are neither.

AL/BE 3 consists of disused medical buildings and 2 Local Wildlife Sites (LWS), one of them containing fine specimen trees and another an important collection of waxcap fungi. BHS plans for the site show houses built over the LWS and beyond the footprint of existing buildings.

There is no such plan for AL/BE 4 which is currently home to a large LWS and is the site of 18 habitable dwellings, almost all of the them currently in use and available to let. The proposal allows for these to be demolished and another 25 dwellings added to the site. The size of the area to be developed varies between the LP and the BNP, with the LP potentially including the LWS in the area to be developed. The BHS in its response to the LP has stated that its proposals for an additional 25 houses is based on the land allocated it in the LP, and not on the land allocated in the BNP. This implies that the BNP does not offer them sufficient hectareage. It is unsound to proceed with a plan when the developer's plans and the land that they are expecting to develop are not clearly stated, especially when an LWS is at stake. It is unsound to accept a proposal ‘on trust’. **The Benenden Neighbourhood Plan cannot be used as a substitute for AL/BE 3 or 4 when it is at variance with it.**

Policy STR 5 states that “New residential ... development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve the development.”

Developers themselves would have to provide the infrastructure at AL/BE 3&4, since no one else would. The LP proposes to take on trust suggestions that the BHS will avoid building on the LWS and will provide play-grounds, sports facilities and tennis courts. BHS suggests, in its response to the earlier draft LP (DLP_4956.3 3.14) that it may encroach on the LWS and it is unlikely to provide play-grounds, sports facilities and tennis courts. Since BHS has put part of the site up for sale, it is clear that, if it sells, it will no longer be bound by any planning conditions, and the purchaser will have no power to make use of facilities in the hospital itself. There is no provision in the published layout for any such facilities on site. The LP's approach is therefore unsound.

Policy STR 6

The LP proposes to “Deliver future development in accessible locations, normally within or in close proximity to existing towns and villages across the borough.”

In the case of the two isolated hospital sites, the LP contradicts its own strategic policy and fails to offer choices in transport and to prioritise active travel and public transport. The Benenden hospital

sites have no active travel link with the village, no existing daily bus route and neither the LP nor the BHS provide credible information on how these links are to be provided. As for the proposal to create links suitable for electrical personal vehicles, such as mobility scooters (as suggested under STR 6) it is difficult to see, when the only link with the village is a single-track lane, how it can be used by personal electric vehicles.

Policy STR 7

The LP proposes in dealing with TWBC's legally binding commitment to manage climate change, that all development in the borough will support the Council's target to achieve net zero emissions by 2030.

It is unsound with such a goal, to propose a major development on the parish periphery, 3 miles equidistant from two villages, where it is accepted that all journeys will be by motor car.

Policy STR 8

The LP states that development should contribute to and enhance ... rural landscapes with particular regard to the HW AONB and developers will have to demonstrate that they do this. The LP promotes nature conservation. Its biodiversity objective is to achieve net gains and where possible secure long-term managements of sites for biodiversity. The proposals for a suburban-style estate of 92 houses, plus a further 6 at Cleveland's Farm, if passed, produces the very opposite effect. No commercially viable scheme can produce net gains in a rural setting such as this. Sites AL/BE 3 and 4 are surrounded by the AONB, although this is not shown on the Inset map 18, in distinction to map 17, which does show it for the rest of the village. The sites are plainly land which affects the AONB, for the purposes of section 85(1) of the Countryside and Rights of Way Act 2000, which says: "In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." (my italics)

1 Irrelevant and misguided supporting document

Part of the LP's conclusions are based on supporting document *AONB Settings Study, Plans and Photos of Benenden Hospital*, by *Hankinson & Duckett*. This report is on the entire hospital site and not on sites AL/BE 3 & 4 on their own. Their conclusions that the north western car park might look better with houses on it may or may not be true, but since this area is not part of the site under consideration, the conclusion is irrelevant.

Its review of Green Lane to the south is relevant to AL/BE3 but the conclusions fail to impress. Green Lane is a rural lane which, according to TWBC's *Rural Lanes: Supplementary Planning Guidance*, scores very highly in terms of its landscape, recreational value, natural beauty and history. As such it is designated part of National Route 18, a 42-mile cycle ride between Ashford and Tunbridge Wells, running largely through unspoilt country lanes with wide grass verges and undisturbed rural scenery. AL/BE 3 proposes two major entrances onto this lane for a housing estate of up to 49 houses. Such a development would almost certainly entail a widening of the lane itself and the abolition of its grass verges which would be a contravention of Kent Structure Plan Policy ENV13: *Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character, and enhanced.*

1 Local Wildlife Sites (LWS)

There are 60 LWS in the entire borough and of these, 4 are situated in Benenden hospital grounds, with 3 in the grounds proposed for almost 100 new houses. One of these is in the northern site of AL/BE4 and two are in AL/BE3. A letter from Keith Nicholson, former Planning and Conservation officer for the Kent Wildlife Trust, dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert states that the hospital LWS are of national importance, mainly for the large number of different varieties of waxcaps. He states that they could well have been designated SSSI.

The LP purports to protect the LWS but Para 3.21 of the BHS submission on the LP shows plans to remove one of the LWS.

"3.21. The Society supports the requirement for long-term management of the core areas of LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area." This is ecologically illiterate. Moving a LWS

by digging it up and putting the earth somewhere else is unlikely to protect the rare waxcap fungi which are of national importance. Indeed, the LP now speaks of the LWS in AL/BE3 in the singular, (para 5.451) as if one of the sites had already been removed.

High value environmental area

Comment DLP_3458 from the High Weald AONB Unit states that the Benenden Hospital site *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”*

No respect for LWS

Although the LP claims building will only be within existing footprints, the developers, with whom the BNP Steering Committee is working closely, do not appear to reflect the same standards. Plans for 47 new houses in the SE Quadrant, presented to the village on 17th February 2020 by the hospital architects, show the buildings are not to be built within the footprint of previous buildings nor to respect LWS. The TW Local Plan has allocated sites originally allocated by the BNP (the only parish in the borough to allocate its own sites) and the hospital sites are the major target for all building in the parish.

Long-term Management plans

Long-term management plans of green spaces within housing estates are, unfortunately, no substitute for natural wild spaces of the kind you find in field hedgerows and shaws. A ‘managed’ and regularly mown green space set between tarmacked streets, lit housing estates and pavements is less likely to promote biodiversity and less likely to conserve wildlife than an ‘unmanaged’ green space of the kind you currently find along our country lanes. Net biodiversity gain from the construction of a housing estate in the countryside is a contradiction in terms.

1 The AONB

The LP claims that the hospital development “has the potential to improve the setting of the HW AONB through the delivery of a more sensitive redevelopment of existing buildings” (para 5.454) but the claim is not supported by the evidence (*Hankinson & Duckett*) and differs from the HW AONB unit’s own assessment of the plans.

See the comment on TW Draft Plan **DLP_3458 High Weald AONB Unit:** *“...In our view the development at Benenden Hospital will have a significant effect on the setting of the AONB and the purposes of its designation, and this issue has not been properly considered by the Plan.”*

1 Failure to hold consultations with stakeholders or to hold them in a timely fashion.

- . The BNP, on which the LP’s allocations are based, allocated sites in its first draft in February 2019. These are the same sites that appear today in the LP.
- . These sites were allocated before writing to the SEA requesting a review of sites.
- . The BNP steering committee did not ask the High Weald AONB Unit to review the hospital sites, although it asked them to review the other sites.
- . Heritage England was, we believe not invited to review the plan and was only able to make comments on publication of the draft TW LP

Question 6

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The modifications needed are included in the submissions set out above. In summary, development on site AL/BE 3 should be limited to the existing, so far unused, planning permission for 24 houses,

preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE 4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites (such as 158 and 222 in the village centre or LS8 in Iden Green) which lie on bus routes or are within walking distance of the village centre and school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to put over my case, and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

In so far as Benenden is concerned, the sites were allocated before any sustainability appraisal was commissioned. It is not therefore a relevant factor in the allocation of sites for housing.

Comment

Consultee	Tom Ireson [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Tom Ireson [REDACTED]
Comment ID	PSLP_707
Response Date	01/06/21 15:26
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	Tom Ireson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy No. 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 justified
- ☐ It is not consistent with national policy

Question 5

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I object to new Policy AL/RTW5 that was introduced into the PSLP at stage 19 of the Local Plan delivery process. Namely the removal of land, at former Caenwood farm to the south of Speldhurst road and west of Reynolds lane, from the Green Belt.

The proposed development will impact on air quality and traffic safety at the site and in the surrounding area. It threatens the separation of Southborough from Royal Tunbridge Wells. I also contend that the loss of the open land would be followed by relentless pressure to release more green belt land for development.

Moreover the ancient woodland adjacent to the site would be severely diminished by exposure to the development; the protected evergreen treeline and hedgerow that separate the Speldhurst road to the field could also be irrevocably damaged by the development and the extensive flora and fauna of the woodlands and meadows would be lost.

In normal circumstances local residents such as myself would have been able to make our representations at the stage 18 public examination, but the planning process did not allow that.

The site was not in the previous draft plan The assessment that informed the omission of the Caenwood and Dandara lands south of Speldhurst Road from the DLP was published in 2019.

The site comprises the three meadows at the north-east corner of the Green Belt between Southborough and Royal Tunbridge Wells. At this time, this site was rated unsuitable for inclusion in the DLP. There was particular concern for harm to the remainder of the Green Belt should the top corner of this protected area be lost to development.

The DLP was then subjected to the stage 18 public examination. Public interest at the examination was generally concentrated on the allocated sites as included in the published Plan. The rejected sites received little public focus.

Caenwood Estates and Dandara engaged DHA to submit a strong joint representation against the omission of their lands from the DLP later that year in November 2019.

The TWBC in February 2021 approved the removal of 5.6 hectares of green belt to accommodate provision of approximately 100 residential units

I submit that due to the late allocation, it did not allow for full public consultation as would have been possible under Reg.18 Consultation and, therefore, deprived the public of adequate presentation or scrutiny. This is exacerbated by Reg. 19 Consultation being conducted under Covid-19 isolation or partial isolation conditions.

I do not accept this judgment as sound in that the evidence base from GBS2 before Nov 2019 had described the whole of the Caenwood Farm parcel as being too sensitive to release and we believe that GBS 3 was provided to support the change of use and cannot be justified to support the Local Plan on a strategic basis. Therefore, the removal of AL/RTW5 from the GB cannot be justified and therefore, the Plan is unsound

HIGHWAY SAFETY OR HARM TO THE HIGHWAY

Requirements 1 to 5 of Policy AL/RTW5.

We refer to para 109 of the NPPF and Policies TP1 to 4 in paras 6.539 to 6.568 of the PSLP. These documents require that “no development must compromise the safe and free flow of traffic or the safe use of the road by others”.

The location of this proposed allocation would create a severe impact on Speldhurst Road which is narrow at the proposed access site. There is no footway on the adjacent road which is bordered by trees, hedges and only one gate into the field. That leads to a public footpath that runs south across Caenwood Farm and then turns east towards Reynolds Lane.

Therefore, any traffic emerging from the Caenwood development site would be impeded by traffic using Speldhurst Road and contribute to that heavy traffic flow. Traffic comes to a virtual standstill during peak commuting times now without the addition of potentially hundreds of vehicles wishing to join in order to get to the A26 junction where there are now two sets of traffic lights with very complicated sequencing for pedestrian and vehicle crossing. The A26 coming from the south (the Town Centre of RTW) is a two lane carriageway enabling left turns into Speldhurst Road at the junction but continues as a single carriageway into Southborough London Road after the second set of lights. This causes heavy congestion during peak travelling hours.

Furthermore, traffic continuing north on the A26 is then joined by a second junction with Yew Tree Road on the right (and a third set of traffic lights) carrying heavy traffic from the Industrial Estate.

We submit that requirements 1 to 5 of Policy AL/RTW5 do not prevent unacceptable impact from the proposed site on the surrounding road network. The already critical parking situation in Southborough will be worsened by loss of roadside parking along Speldhurst Road, necessary to create a viable access to the site.

Suggested provision of parking within the site for outside residents cannot be expected to function effectively. Overall, the development will fail to ensure “a high-quality built environment” that enhances the character of the area and avoids adverse impact on the amenity of the neighbouring settlement of Southborough.

THE GREEN BELT AND OTHER ENVIRONMENTAL POLICIES.

Requirement 13 of Policy AL/RTW5

This requirement requires mitigation of the impact of the development in accordance with Policy STR/RTW 1. Section 7 of that policy allows reductions to the Green Belt only “where exceptional circumstances warrant this, and where an effective long-term Green Belt is maintained”.

We submit 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 permanently open. A visual assessment of the land on this site will see that it is open and as such must therefore make a strong contribution to the purposes of Green Belt.

The garden boundaries along Reynolds Lane were not considered weak and inappropriate in 2008 and should not be classed as such now. The three meadows of site AL/RTW5 play an important role in protecting the Green Belt on the slopes below. Moreover, they give some isolation to the Ancient Woodlands, even considering the existing footpath that runs through them. If a major housing project and amenity area were established alongside there is no question that the special nature of the woodlands would be damaged, with a consequent negative impact on the wildlife.

Site AL/RTW5 is presently very definitely rural and with a rural feel. It is not some semi urban scrub land, It is renowned for the breeding of cattle. Should it be developed, this would all change.

The area would become urban, with urban sprawl stretching down the hill from Speldhurst Road to the buffer zone. The pressure to release more greenbelt once this happens will be huge

BIO-DIVERSITY

A summary of the bio-diversity of the site is as follows:

Animal wildlife – Polecats, foxes, roe deer, rats, mice, voles, shrews, frogs, toads and grass snakes.

Birds – Pheasants, wood pigeons, magpies, crows, jackdaws, blackbirds, starlings, sparrows, bluetits, bullfinches, dunnocks, wrens, goldfinches and green woodpeckers. Tawny owls inhabit the neighbouring woods, and the occasional heron is spotted.

Insects – The wide variety of insects to be found includes Emperor dragonflies, and Meadow Brown and Red Admiral butterflies.

Flowers – These are concentrated around the periphery of the wooded areas. Varieties present include: bindweed, meadow buttercup, marsh marigold, cow parsley, yarrow, bird's foot trefoil, ox-eye daisy, creeping thistle, spear thistle, wild rose, stitchwort, bluebells, daisy celandine, dandelion, bugle, violet, bittersweet, common vetch, milkmaid, herb Robert, plantain, ragwort, sorrel, cuckoo-pint, clovers, nettles and many more.

Berries – Wild strawberries, elderberry, blackberry, haws from hawthorn, rose hips, woody nightshade, holly, and white bryony.

Trees – Policies EN1 and EN13 will not allow development if it would damage or destroy one or more trees protected by a TPO. Furthermore, Para 170 NPPF states that planning decisions and policies should contribute to and enhance the natural and local environment. I see a tension between the developer's vague commitment to improve the traffic situation by widening the Speldhurst road and the protection by TPO of evergreen trees and hedgerow separating the road from the proposed area for development. These are absolutely essential to the character and appearance of the fields as a whole,

Question 6

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We consider that removal of Policy AL/RTW5 from the PSLP is necessary for the plan to be compliant with the NPPF.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I wish to exercise my right to an oral representation

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_39

Comment

Agent	Mr Roger Nightingale [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr J Elliott [REDACTED]
Company / Organisation	J E Properties
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	J E Properties [REDACTED]
Comment ID	PSLP_579
Response Date	28/05/21 11:10
Consultation Point	Policy PSTR/HO 1 The Strategy for Horsmonden parish (View)
Status	Processed
Submission Type	Email
Version	0.4
Files	<u>PSLP_579_Kember Loudon Williams for J E Properties_site location plan.pdf</u>
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	J E Properties
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy PSTR/HO 1 The Strategy for Horsmonden parish

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective

Question 5

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The LBD for Horsmonden as shown on the Draft Inset Map for the village should include the land shown on the plan attached to these comments.

This land immediately abuts the existing LBD for the village. In addition, it forms part of the former route of the 'Hop Pickers Line', for which the Council is seeking to encourage initiatives that would enable it to be used as part of a "wider green infrastructure corridor".

In practical terms this land can never be reinstated as part of a public access corridor for recreational purposes based on the old hop pickers line for two main reasons. Firstly, it is in private ownership, and secondly the northern end of the land is enclosed and blocked by the rear gardens of two existing residential properties (Boundary Cottage and Maythorn). The Inset Map excludes part of the curtilages of these two properties, which is misleading. The path could not continue through this land to the north.

There is a public footpath running along the eastern side of this parcel of land, leading from Back Lane to the recreation ground to the north-east. From the recreation ground there is a link through to the B2162. While this footpath link exists, it is somewhat restricted in width and only of basic standard, and there would be an opportunity to significantly enhance it if some of the adjoining former route of the railway line were used. This could then link into the new public access route proposed for the former railway land to the south, which is part of one of the proposed housing allocations for Horsmonden.

If the land shown on the attached plan were to be included in the LBD for the village a limited number of dwellings could be provided to help meet the housing need for the area, and at the same time a key link within the Hop Pickers line strategic corridor could be safeguarded and greatly enhanced. This a

much more positive initiative and would achieve more planning benefits for the village than the unsound approach currently proposed

[TWBC: see site location plan attached]

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New Site Submission? Enter site address

former railways land Horsmonden

Question 6

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Please see comments set out above.

Question 7

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No, I do not wish to participate in examination hearing session(s)

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Nicola Furlonger [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Richard Hopkinson Architects
Address	[REDACTED] Tunbridge Wells [REDACTED]
Consultee	[REDACTED]
Company / Organisation	J Murphy & Sons and SGN
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	J Murphy & Sons and SGN [REDACTED]
Comment ID	PSLP_710
Response Date	28/05/21 17:33
Consultation Point	Policy AL/RTW 7 Land at former Gas Works, Sandhurst Road (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	J Murphy and Sons Ltd and SGN
Question 2	
Agent's Name and Organisation (if applicable)	Richard Hopkinson Architects
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/RTW 7 Land at former Gas Works, Sandhurst Road

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

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The proposed allocation of the former Gas Works Site at Sandhurst Road under **Policy AL/RTW7** for housing is supported by JMS and SGN. As noted in accompanying text, the Gas Works was decommissioned some years ago and now lies largely vacant, with the exception of a small compound area. The disposal and redevelopment of the former Gas Works is part of SGN's rolling programme of decommissioning gas holder sites across the country and replacing these with underground gas infrastructure. It is anticipated that the acquisition of the site by JMS from SGN will be completed over summer 2021 with a planning application pursued shortly after. JMS hope to commence development in 2022.

The site lies within the urban area and close to the mainline station at High Brooms (within 150 metres walking distance) and within easy reach of Tunbridge Wells town centre and key employment areas. It is therefore a highly sustainable location for new housing, in line with the strategic objectives and spatial strategy of the New Local Plan (e.g., Policies STR 1 and STR 3).

The site is therefore readily available, offers a suitable location for development now, and can be brought forward for delivery within the first five years of the new Local Plan. Its identification as a specific, deliverable site for years one to five of the Plan (in accordance with paragraph 67 of the NPPF), is therefore appropriate, meeting the NPPF's tests of soundness.

The proposed allocation of the site for "approximately 170-200 dwellings" is also supported, as is the recognition in Clause 2 of the Policy that the site has the potential to be developed at a range of heights, which might include taller buildings. In this respect, the Policy reflects the opportunity this site offers for achieving higher densities and the investigations and design work undertaken by JMS/SGN to date. JMS and SGN support the principles set out within the rest of the Policy as being appropriate to the site, with any wider contributions being subject to the relevant policy tests.

Notwithstanding the above support, JMS and SGN have outstanding concerns regarding the wider approach to parking standards set out in Policy TP 3 of the Pre-Submission Local Plan, which could unnecessarily and negatively impact on the delivery of optimum densities on the Gas Works site (see also JMS and SGN's response to proposed Policy TP 3). The respondent is therefore requesting that a bespoke approach to parking be adopted for the site, given its unique location and accessibility.

The former Gas Works site sits on the doorstep of a mainline rail station with links to major urban centres, including Tunbridge Wells (4 minutes journey time), Tonbridge (7 minutes) and London (40-55 minutes). It is close to other sustainable transport links and shops, facilities and employment opportunities, which include key employment areas at North Farm/Longfield Road and Southborough/High Brooms. These can be easily accessed on foot, bicycle or by bus.

The site is therefore uniquely located to benefit from sustainable travel options. As can be seen in the Residential Parking Standards Topic Paper for Pre-Submission Local Plan (February 2021), the site already lies in an area of relatively low car ownership and a higher proportion of train travel; transport measures would be adopted to support this characteristic and to further encourage sustainable transport choices. In addition, the likely nature of development on this site which, given its locational characteristics, is expected to comprise a higher proportion of smaller units, meaning that occupants of these units are likely to have lower levels of car ownership (as confirmed within the Topic Paper).

The site would lie within the proposed 'Zone B' area for the purposes of the parking standards (i.e., for developments inside the 'Limits to Built Development' of the urban areas), where minimum parking requirements are proposed. For the Gas Works site, these standards would fail to take account of the characteristics of the site and the nature of development and are likely to impose a level of parking that exceeds the number required, to the detriment of the site's development. The requirement for at least one space per residential unit (not including visitor spaces) – including one space for every one-bed unit, which the Topic Paper shows have an average 0.61 car or van ownership per apartment – would necessitate a minimum of 170 car parking spaces across the site, with negative consequences for the balance of development, resulting in a site that is dominated by car parking spaces at the expense of other communal and amenity spaces.

The exceptional circumstances set out in proposed Policy TP 3 would not allow for a bespoke approach, except where an SPD or neighbourhood plan allows this, which is not appropriate for this site. Alternatively, the policy allows for departures from the minimum standard where viability considerations demand. These would not however allow for a bespoke approach to reflect particular accessibility levels, or the nature of development, or a package of transport measures that would suppress car ownership. JMS and SGN believe this is required for this site.

Notwithstanding any revisions to Policy TP 3, in order to reflect the unique site-specific circumstances, JMS and SGN therefore request that Policy **AL/RTW 7 be amended to require that: ... "A bespoke approach to the provision of residential car parking be adopted that balances parking provision with the accessibility of the site and the delivery of a package of sustainable transport measures to be agreed with the Local Planning Authority."**

Question 6

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To ensure the intentions of this site allocation are not undermined, JMS and SGN propose that Policy AL/RTW 7 be amended to incorporate the requirement that: ... **"A bespoke approach to the provision of residential car parking be adopted that balances parking provision with the accessibility of the site**

and the delivery of a package of sustainable transport measures to be agreed with the Local Planning Authority.”

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Agent	Nicola Furlonger [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Richard Hopkinson Architects
Address	[REDACTED] Tunbridge Wells [REDACTED]
Consultee	[REDACTED]
Company / Organisation	J Murphy & Sons and SGN
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	J Murphy & Sons and SGN [REDACTED]
Comment ID	PSLP_724
Response Date	28/05/21 17:33
Consultation Point	Policy EN 9 Biodiversity Net Gain (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	J Murphy and Sons Ltd and SGN
Question 2	
Agent's Name and Organisation (if applicable)	Richard Hopkinson Architects
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy EN 9 Biodiversity Net Gain

Paragraph Number 6.135

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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It is considered that **Policy EN 9 Biodiversity Net Gain** and the accompanying text at **paragraph 6.135** are too restrictive in terms of allowing biodiversity net gains (BGN) to be delivered off-site where in the best interests of achieving biodiversity enhancements.

JMS and SGN agree with the overriding objective behind Policy EN 9 that development should contribute towards delivering biodiversity enhancements and note that this approach is endorsed by the NPPF and within draft legislation.

Paragraph 6.135 states that “*only in exceptional circumstances and in the interests of biodiversity will ‘off-site’ proposals be considered acceptable.*” In some instances, however, it is likely that off-site biodiversity enhancements could achieve greater gains than those that would be achieved on site – for example, where contributing to larger scale, centralised or linear/connected habitat creation. The application of an ‘exceptional circumstances’ policy could, in these circumstances, lead to the delivery of on-site biodiversity contributions that are of lower overall long-term value, potentially at the expense of achieving development that meets needs in the local area (e.g. as delivered through site allocations policies). It would therefore be appropriate to adopt a more flexible approach to achieving BNG on- and off-site so that, when development is brought forward, a balanced judgement can be made as to the most beneficial way of achieving BNG, rather than applying an exceptional circumstances test that is skewed towards on-site provision whether or not this provides the greatest net gains.

JMS and SGN would therefore promote a Policy approach that allows for off-site contributions towards achieving BNG by agreement with the Local Planning Authority where in the interests of biodiversity and would request that an “exceptional circumstances” test be removed.

Recommended changes to the policy and supporting text are set out below. It is also requested that criteria 1(b) of the policy be clarified to recognise that the 10% requirement would be applied once the relevant legislation is enacted.

Question 6

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The following changes are requested to Policy EN 9 to ensure that a balanced judgement can be taken in considering the location of biodiversity net gains in connection with specific developments.

Proposed amendment to Policy EN 9 Biodiversity Net Gain:

“... a. net gain shall be provided on, or adjacent to the site, except where off site proposals are accepted by the local planning authority in the interests of biodiversity. Where provided off site, net gain shall, in terms of location and type, be in accordance with the supporting text or as otherwise required by supplementary planning guidance; b. the percentage of net gain shall be a minimum of 10% as required by legislation (once enacted) or greater where required by supplementary planning guidance....”

Proposed amendment to Paragraph 6.135:

“The Council will expect developers to provide mitigation, compensation, and enhancement measures for biodiversity on, or immediately adjacent to, a site for all new major development proposals (10 dwelling plus, 1,000sqm plus of floorspace, new build or conversion or outline proposals capable of accommodating either) except where off site proposals are accepted by the local planning authority as being appropriate in the interests of biodiversity. For non-major development ...”

Question 7

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Comment

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Company / Organisation	Richard Hopkinson Architects
Address	[REDACTED] Tunbridge Wells [REDACTED]
Consultee	[REDACTED]
Company / Organisation	J Murphy & Sons and SGN
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	J Murphy & Sons and SGN [REDACTED]
Comment ID	PSLP_720
Response Date	28/05/21 17:33
Consultation Point	Policy H 3 Affordable Housing (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	J Murphy and Sons Ltd and SGN
Question 2	
Agent's Name and Organisation (if applicable)	Richard Hopkinson Architects
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 3 Affordable Housing

Question 4

Do you consider that the Local Plan:

Is 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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Policy H 3 Affordable Housing sets out the overall approach to provision of affordable housing within residential developments, with Clause 3 relating to the timing of on-site affordable housing provision. It requires that a minimum of 50 percent of the affordable housing to be delivered on-site be completed and transferred to a Registered Provider prior to occupation of a maximum of 50 percent of the open market units to be provided on site.

JMS and SGN understand the reasons for this requirement. They would, however, request that some flexibility be incorporated in the implementation of this requirement to allow it to adapt to potentially complex build and sale programmes and so that the final details of timing can be agreed through the s106 process. It is also recommended that this clause be adjusted to recognise that there are alternative delivery bodies to Registered Providers, as noted in paragraph 6.319.

It is therefore requested that Clause 3 be adjusted to state:

"3. Timing of affordable on-site housing provision: a target of 50 percent of the affordable housing to be delivered on-site will be expected to be completed and transferred to a Registered Provider (or appropriate alternative) prior to occupation of a target maximum of 50 percent of the open market units to be provided on-site..."

Question 6

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To ensure Policy H 3 offers appropriate flexibility in relation to the delivery on complex sites, it is requested that Clause 3 be amended to state:

“3. Timing of affordable on-site housing provision: a target of 50 percent of the affordable housing to be delivered on-site will be expected to be completed and transferred to a Registered Provider (or appropriate alternative) prior to occupation of a target maximum of 50 percent of the open market units to be provided on-site...”

Question 7

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Comment

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Company / Organisation	Richard Hopkinson Architects
Address	[REDACTED] Tunbridge Wells [REDACTED]
Consultee	[REDACTED]
Company / Organisation	J Murphy & Sons and SGN
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	J Murphy & Sons and SGN [REDACTED]
Comment ID	PSLP_717
Response Date	28/05/21 17:33
Consultation Point	Policy TP 3 Parking Standards (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	J Murphy and Sons Ltd and SGN
Question 2	
Agent's Name and Organisation (if applicable)	Richard Hopkinson Architects
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy TP 3 Parking Standards

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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JMS and SGN consider the **Policy TP 3 Parking Standards** imposition of minimum residential parking standards across much of the Borough – and in particular within the proposed Zone B area - to be too constrained and fails to properly take into account the full range of evidence to support its approach or properly give account to changing circumstances. Moreover, the potential requirement for more parking than is necessary in association with development could undermine sustainable transport strategies and run counter to strategic objectives of the New Local Plan to encourage active travel and reduce impact on the highway network (see Policy STR 6).

The NPPF, at paragraph 105, requires that:

“If setting local parking standards for residential and non-residential development, policies should take into account:(a) the accessibility of the development;(b) the type, mix and use of development;(c) the availability of and opportunities for public transport;(d) local car ownership levels; and(e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.”

As set out in paragraph 6.553 of the Pre-Submission Local Plan, the proposed parking standards are based on ‘existing’ local car ownership levels in Tunbridge Wells, drawn from 2011 Census Data. The standards do not adequately consider the wider range of issues of site accessibility and opportunities to maximise active travel and/or sustainable transport choices, or fully reflect how the varying forms of residential development will impact on travel and car ownership.

The blanket approach in the three zones fails to take into account any diversity of situations within these areas or the potential of new development to change or influence patterns of car ownership, either through the type of development or the measures used to encourage sustainable transport choices (as encouraged elsewhere in the Plan). In this sense, it would reinforce the existing situation rather than influence travel patterns.

The requirement to deliver a minimum parking standard (at least one space per unit) in the Zone B urban areas could stifle the ability to achieve the optimum density of development and have significant consequences for achieving an appropriate design approach, resulting in sites that are required to deliver more parking than necessary. This is demonstrated by the analysis in the Residential Parking

Standards Topic Paper that shows that one-bedroom units have an average car or van ownership level of 0.61 per household (flat, maisonette or apartment) or 0.8 per household (house or bungalow). JMS and SGN have raised this as a particular issue for the former Gas Works Site at Sandhurst Road in their response to Policy AL/RTW 7, where proximity to a mainline station would justify lower levels of parking, having regards also to car ownership levels and travel to work patterns.

While the Policy allows for potential deviation from the car parking standard for developments in Zone A, this flexibility is not extended to other sites within the urban area, for example, those with high levels of accessibility. Given the recognition in paragraph 6.552 that a ... *"single approach to the provision of car parking is not therefore appropriate for all developments"*, it would be appropriate to extend this flexibility to Zone B developments.

It is helpful that the Policy recognises that there may be exceptional circumstances where departure from parking standards could be allowed. However, the subsequent criteria do not cover all potential circumstances where lower parking levels might be appropriate. For example, they do not give full regard to individual site circumstances or to the importance set out in planning policies of making optimum use of accessible brownfield sites as a planning benefit that, in itself, could override the requirement to deliver the full minimum parking standards.

JMS and SGN would support the simplification of the policy, such that it recognises that certain circumstances may justify lower levels of car parking on a site-by-site basis. This would be supported by greater flexibility in the standard.

Question 6

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To ensure that the Policy is effective and justified in the context of national policy, proposed residential parking standards should reflect a wider range of issues beyond existing car and van ownership levels.

Within Table 14, this would necessitate that the 'parking standard definition' for residential development within Zone B include the words, ... *"unless lower provision can be robustly justified"*.

The policy wording should then explain that ... *"Lower levels of car parking provision within the Zones would be considered by the Local Planning Authority where there is robust justification based on a detailed analysis of site accessibility, the form and type of residential development proposed, the availability of opportunities for active travel or public transport and potential enhancements to this (including access to car club membership), and car and van ownership levels."* Such a change would preclude the need for an exhaustive 'exceptional circumstances' policy.

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	Mr James Chapman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	JAC Planning
Address	[REDACTED] Leigh on Sea SS9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	JAC Planning (Mr James Chapman - [REDACTED])
Comment ID	PSLP_1624
Response Date	04/06/21 10:58
Consultation Point	Policy H 1 Housing Mix (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 JAC 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 H 1 Housing Mix

Paragraph Numbers: 6.308 - 6.310

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective

Question 5

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TWBC sets out the demographic change that the population forecast shows at paragraph 2.16. The estimates are set into three groups which broadly represent children up to 14 year old, older children and people of working age, and those over 65 years old. The forecast for the next 18 years shows a decline in the numbers of children to 88.5% of current numbers. Those of working age show a slight reduction to 99% of current numbers. However, the 65+ category shows a significant change to 140% of today's number. The Housing Mix Policy does not reflect the significant demographic change and is spineless. The policy should be prescriptive to define a proportion of homes that are suitable for this age group. A Housing Mix Policy should dictate the mix that the authority is looking for, even in broad terms. There can be a caveat to allow flexibility on a case by case basis, so it need not be entirely rigid. However, what is the point of researching an evidence base only to have a flimsy policy that will do nothing to exert change over major developers who will continue to build a range of small and moderate sized family homes, with scant consideration for the ageing population?

NPPF para 59 requires that 'the needs of groups with specific housing requirements are addressed' and para 61 requires 'the size, type and tenure of housing for different groups in the community should be reflected in planning policies...'

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:

The Local Plan Process is dominated by large organisations and I suspect that most are content with this flimsy policy requirement. I would like to challenge the local authority to justify why they are not aligning their housing mix with their population change.

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Address	[REDACTED] Leigh on Sea SS9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	JAC Planning (Mr James Chapman - [REDACTED])
Comment ID	PSLP_1626
Response Date	04/06/21 10:58
Consultation Point	Policy H 3 Affordable Housing (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 JAC 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 H 3 Affordable Housing

Paragraph Numbers: 6.330 - 6.332

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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Policy H3 Affordable Housing. Bullet point 1 states that the affordable housing percentage is 40% and that where the number is not a whole number, it shall be rounded up. Not only is this an unusual accounting practice, but moreover it disproportionately penalises smaller developments. Although we are only talking about a single unit, TWBC should recognise the effect this has on the actual numbers required under this policy for small sites produced by small developers. An 11 unit scheme will require 5 AH units which equates to 45.5% (or 25% more than the 40% requirement). A 13 unit scheme requires 6 units which equates to 46.2% (or 20% more than the 40% requirement). A 16 unit scheme requires 7 AH units which equates to 43.8% (or 17% more than the 40% requirement). An 18 unit scheme requires 8 AH units which equates to 44.4% (or 14% more than the 40% requirement). The government is trying to encourage small developers to flourish and compete in the marketplace. TWBC should be doing the same. Calculating the requirement in the normal way where figures are rounded up if greater than half and rounded down when lower than half will not penalise smaller development schemes. For larger schemes there is virtually no difference whichever way the accounting happens, so it is categorically unfair to introduce a policy that penalises smaller developments.

Para 6.330 Whilst the council recognises the government identifies multiple type of affordable housing, it is not clear why it is excluding some forms of affordable housing from consideration. It is suggested that 'given the affordability pressures the borough faces, the two types of intermediate housing [] are considered the most appropriate' with Shared Ownership being the favoured tenure for ownership. It is not clear what evidence TWBC has used to determine this, and if there is such evidence it simply cannot be reliable. Whilst I am fully supportive of the need to provide AH, it is imperative to use all possible routes to achieve the delivery of such homes. To exclude any routes to provide AH is unjustifiable. TWBC has suggested that Shared Ownership is preferred due to 'affordability' and that purchasers can buy a share of 25-75%, however, this model charges the buyer a rental cost for the proportion owned by the Housing Association. For a buyer who can afford a 75% share, they will have to pay rent on the remaining 25%, but if the same property was available through Starter homes, Discounted Market Homes or Other affordable routes to home ownership (all of which are on the definition of Affordable Homes within Annex 2 of the NPPF), then there would be no additional rental cost to the buyer. It is therefore perverse to justify Shared Ownership on the basis of affordability. I am not advocating the removal of Shared Ownership, rather that the other routes must be included too. These other routes are important in helping the delivery of AH generally.

Para 6.332 **Starter Homes** are identified in the NPPF as a type of affordable housing. However, the Council is concerned that the applicable discount cannot be secured in perpetuity and starter homes may not be affordable to local people. Actually, it is very simple to secure the applicable discount in perpetuity. A simple method which I have used, is to have a restriction in the legal title which dictates the percentage level of discount and this works in perpetuity. A legal agreement can be agreed with the council at planning stage to require the first sale and subsequent resales to be to persons qualified

by the Housing Officer at the authority, so they may determine that the buyer meets the agreed criteria. This type of restriction can apply to any of the routes to home ownership outlined in the NPPF.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . 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:

The provision of Affordable Housing is dominated by Housing Associations and more recently, large profit making investors. I doubt there are many people or organisations that have considered the alternative routes to Affordable Housing. I represent a number of smaller companies who work locally and could assist in generating additional affordable housing to help meet the need. Better understanding and support from the policy makers can enable increased delivery of affordable homes to a much greater number of people within the borough.

Future Notifications

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Comment

Consultee	Mr James Chapman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	JAC Planning
Address	[REDACTED] Leigh on Sea SS9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	JAC Planning (Mr James Chapman - [REDACTED])
Comment ID	PSLP_1626
Response Date	04/06/21 10:58
Consultation Point	Policy H 3 Affordable Housing (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 JAC 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 H 3 Affordable Housing

Paragraph Numbers: 6.330 - 6.332

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not justified
- . It is not consistent with national policy

Question 5

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Policy H3 Affordable Housing. Bullet point 1 states that the affordable housing percentage is 40% and that where the number is not a whole number, it shall be rounded up. Not only is this an unusual accounting practice, but moreover it disproportionately penalises smaller developments. Although we are only talking about a single unit, TWBC should recognise the effect this has on the actual numbers required under this policy for small sites produced by small developers. An 11 unit scheme will require 5 AH units which equates to 45.5% (or 25% more than the 40% requirement). A 13 unit scheme requires 6 units which equates to 46.2% (or 20% more than the 40% requirement). A 16 unit scheme requires 7 AH units which equates to 43.8% (or 17% more than the 40% requirement). An 18 unit scheme requires 8 AH units which equates to 44.4% (or 14% more than the 40% requirement). The government is trying to encourage small developers to flourish and compete in the marketplace. TWBC should be doing the same. Calculating the requirement in the normal way where figures are rounded up if greater than half and rounded down when lower than half will not penalise smaller development schemes. For larger schemes there is virtually no difference whichever way the accounting happens, so it is categorically unfair to introduce a policy that penalises smaller developments.

Para 6.330 Whilst the council recognises the government identifies multiple type of affordable housing, it is not clear why it is excluding some forms of affordable housing from consideration. It is suggested that 'given the affordability pressures the borough faces, the two types of intermediate housing [] are considered the most appropriate' with Shared Ownership being the favoured tenure for ownership. It is not clear what evidence TWBC has used to determine this, and if there is such evidence it simply cannot be reliable. Whilst I am fully supportive of the need to provide AH, it is imperative to use all possible routes to achieve the delivery of such homes. To exclude any routes to provide AH is unjustifiable. TWBC has suggested that Shared Ownership is preferred due to 'affordability' and that purchasers can buy a share of 25-75%, however, this model charges the buyer a rental cost for the proportion owned by the Housing Association. For a buyer who can afford a 75% share, they will have to pay rent on the remaining 25%, but if the same property was available through Starter homes, Discounted Market Homes or Other affordable routes to home ownership (all of which are on the definition of Affordable Homes within Annex 2 of the NPPF), then there would be no additional rental cost to the buyer. It is therefore perverse to justify Shared Ownership on the basis of affordability. I am not advocating the removal of Shared Ownership, rather that the other routes must be included too. These other routes are important in helping the delivery of AH generally.

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by the Housing Officer at the authority, so they may determine that the buyer meets the agreed criteria. This type of restriction can apply to any of the routes to home ownership outlined in the NPPF.

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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:

The provision of Affordable Housing is dominated by Housing Associations and more recently, large profit making investors. I doubt there are many people or organisations that have considered the alternative routes to Affordable Housing. I represent a number of smaller companies who work locally and could assist in generating additional affordable housing to help meet the need. Better understanding and support from the policy makers can enable increased delivery of affordable homes to a much greater number of people within the borough.

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Comment

Consultee	Mr James Chapman [REDACTED]
Email Address	[REDACTED]
Company / Organisation	JAC Planning
Address	[REDACTED] Leigh on Sea SS9 [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	JAC Planning (Mr James Chapman - [REDACTED])
Comment ID	PSLP_1627
Response Date	04/06/21 10:58
Consultation Point	Policy H 6 Housing for Older People and People with Disabilities (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	JAC 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 H 6 Housing for Older People and People with Disabilities

Paragraph Numbers: 6.349 to 6.353

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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Housing for people with care needs is variously described by many different terms. There is no defined standard set of terms used and this makes it difficult to properly assess and separate the various types of accommodation for those with care needs. By setting out the headline groups in para 6.349, TWBC has made an effort to define the individual use types.

The housing types can be easily separated into those which are providing care and those which are simply age restricted. I therefore question the categorisation shown in para 6.350. Extra Care Accommodation (also known as assisted living, close care or continuing care housing) has been included as C3 housing. Whilst the PPG recognises it is for the LPA to decide whether a particular development falls within one Use Class or another, I would highlight to the authority that the defining characteristic of Extra Care is that there is a care provision, so it is more closely aligned with C2 than with C3. There is a qualifying process to be eligible for Extra Care Housing which requires the applicant to be in need of care, so it is not possible for those without a care need to use such accommodation.

Extra Care Housing is more expensive to produce than market housing and does not achieve a greater market value, so by placing it into Use Class C3, there is much less likelihood that such schemes will be attractive to developers and landowners. Even where authorities properly define Extra Care Housing within C2, there is still a significant battle to achieve any growth within the sector. For example, Maidstone Brough Council does define Extra Care Housing as C2 and yet they have not made any progress towards their total need of 1000 bed spaces over their 20 year period...In fact, we are 9 years into that period and they have a negative number because an existing site was redeveloped and resulted in the loss of a few units.

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.

Amend 'Extra Care Housing' to 'Use Class C2'

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I wish to challenge TWBC on the point of having a type of development which requires users to have a care need as being separated from other care needs developments, and instead grouped with more general market housing.

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box: Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Mrs Carolyn Jackson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden Road Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carolyn Jackson [REDACTED]
Comment ID	PSLP_844
Response Date	27/05/21 14:13
Consultation Point	Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.9
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Carolyn Jackson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_844 and PSLP_849]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectarage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

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Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	Mrs Carolyn Jackson [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Benenden Road Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mrs Carolyn Jackson [REDACTED]
Comment ID	PSLP_849
Response Date	27/05/21 14:13
Consultation Point	Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End (View)
Status	Processed
Submission Type	Other
Version	0.4
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Carolyn Jackson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_844 and PSLP_849]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- . For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- . For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- . For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- . BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- . To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) **Poor consultation with stakeholders, the local community and the neighbouring parish** (possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- . **The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- . The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- . The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- . The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and

in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site “allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;

- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);
- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the

explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and this was of concern even when only 24 houses were proposed for the site. "You will see from KCC's comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF." (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP's Independent Examiner's queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA's scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, "The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant's consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.)."

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *"includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network."* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that "The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area."

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. "In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement." Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC's 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. "Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site." On page 38, we read, "This site is anticipated to have a major beneficial effect on improving educational standards

and travel choice/traffic levels". In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158's owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval driveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in

the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect. An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Comment

Consultee	R & C Jackson and N Heath [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	R & C Jackson and N Heath [REDACTED]
Comment ID	PSLP_953
Response Date	26/05/21 14:37
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	Robert Jackson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 3 Land at Benenden Hospital (south of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_952 and PSLP_953]

Question 4

Do you consider that the Local Plan:

Is legally compliant No

Is sound No

Complies with the Duty to Cooperate No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new

primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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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	R & C Jackson and N Heath [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Biddenden [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	R & C Jackson and N Heath [REDACTED]
Comment ID	PSLP_952
Response Date	26/05/21 14:37
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	Robert Jackson
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/BE 4 Land at Benenden Hospital (north of Goddards Green Road), East End

Paragraph Numbers 5.420 and 5.421

Inset Map 18

[TWBC: This representation has been input against Policies AL/BE 3 and AL/BE 4 - please see Comment Numbers PSLP_952 and PSLP_953]

Question 4

Do you consider that the Local Plan:

Is legally compliant	No
Is sound	No
Complies with the Duty to Cooperate	No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:	. It is not positively prepared
	. It is not effective
	. It is not justified
	. It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

This representation relates to the Pre-submission Local Plan(PSLP) and its handling of the parish of Benenden

1. The plan is unsound because of inadequacies in the consultation process.

(i) Poor consultation between TWBC and other Borough Councils

A Statement of Common Ground (SoCG) between Maidstone and Tunbridge Wells Borough Councils (TWBC) is published, but nothing is apparently published in relation to Ashford Borough Council or Tonbridge and Malling Borough Council.

(ii) Poor consultation between TWBC, the parish of Benenden and the Benenden Healthcare Society (BHS), the single landowner of those sites in the East End of Benenden where most of Benenden's houses are allocated.

(iii) There is no Statement of Common Ground between TWBC and the Benenden Neighbourhood Plan (BNP) although a SoCG was listed as a supporting document to the BNP Reg 14. This is significant *because the two plans, though identical in their choice of sites, show different areas within those sites for development at the East End, and both plans differ from the view of BHS.* BHS's position is presented to the public through its comments on the first draft of the Local Plan (TWFDLP Comments) (see (see web link)

Looking at the issue in terms of its hectareage:

- . according to the PSLP the northern site (AL/BE4) is 3.72 ha and the South East Quadrant (SEQ or AL/BE3) is 3.07 ha;
- . according to the Benenden Neighbourhood Plan (BNP), the northern site (called LS41 in the BNP, see para 2.9.4.2.) is 1.9 ha and SEQ (called 424 plus LS40b, see para 2.9.3.2) is 4.24 ha.
- . according to BHS, the northern site is 3.7 ha and the southern site is 4.2 ha (see TWFDLP comments), Savills for BHS: DLP_4956)

The hectareage varies largely according to whether Local Wildlife Sites (LWS) are included in the development area. There are four LWS at the hospital. One of these lies in the northern area (AL/BE4) and two lie in the southern area (AL/BE3). The fourth is in an area not up for development.

- For AL/BE3, the PSLP excludes the second and the most southerly of its two Local Wildlife Sites (LWS), while the BNP includes both LWS. *Currently, Strutt and Parker are advertising to developers the larger, BNP version of the site for sale, together with Cleveland Farm.* The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE3 is incorrect.
- For AL/BE4, the PSLP *includes* all the LWS at the site, while the BNP includes only a small southerly section of it. The PSLP states that in the event of the BNP passing a referendum, its own plans for Benenden will be superseded by the BNP (see para 5.421). Which means the plan presented in the PSLP for AL/BE4 is incorrect.
- For AL/BE4, Savills' comments on behalf of the BHS (see TWFDLP comments), propose 43 dwellings for the site, which will include the LWS (see TWFDLP Comments, item DLP_4956 para 3.6), "Unlike the BNP, the TWLP is broader in the site area by providing a boundary encompassing the entire hospital site, yet aside from the discrepancy addressed previously in this representation the two allocations align in terms of proposed numbers. The Society intends to bring forward the development on the two sites identified through the BNP *and within the boundary identified in the TWLP.* The Society welcomes the consistent approach to unit numbers, and the allocation of both parcels of land through the draft BNP and the TWLP."

In terms of boundaries:

- BHS understands (see DLP_4956, para 2.8 in TWFDLP Comments) "The North East Quadrant occupies the North East of the site, bordered to the North and East by Mockbeggar Lane, to the south by Goddards Green Lane / Benenden Road and the West by existing hospital buildings." *In other words, it includes the entire LWS in its area.*
- To the south, BHS understands (see DLP_4956, para 2.9 in TWFDLP comments), "The South East Quadrant occupies the South East of the site, bordered to the north by Goddards Green Lane / Benenden Road, to the West by Green Lane and to the South and East by agricultural land and the High Weald AONB boundary." *In other words, it includes the whole of the more southerly of the two LWS at the site.*

This means that PSLP's AL/BE3 is inaccurate because the larger BNP plan will likely prevail, while the PSLP's AL/BE4 could be challenged by the BNP (if successful in a referendum) (see PSLP para 5.421) and substantially reduced in size. The PSLP's plans for the two hospital plans are therefore both potentially inaccurate.

A failure to coordinate and effectively consult has produced unsound documents.

(iv) Poor consultation with stakeholders, the local community and the neighbouring parish

(possibly even more affected by the plans than Benenden). These parties have either not been consulted, or consulted after the fact or consulted but not engaged with.

- The Friends of the East End (FEE)** are more affected by the plans than most in the parish but they were not consulted over the development of the BNP on which the PSLP is based. The FEE are mainly residents of the East End which covers about one third of the parish and is a wholly rural location of 76 scattered households. Because it is isolated, it was chosen as the site for an isolation hospital. This now makes up a small enclave close to the border with the neighbouring parish of Biddenden.
- The BNP Steering Committee is the only one in the borough to have made its own site allocations and these allocations were published in an Informal Draft Plan in February 2019, before consultations with the High Weald -AONB and before inviting AECOM to produce a Strategic Environmental Assessment (SEA). (N.B. Even when the HW-AONB were invited to assess sites, they were NOT asked to assess the hospital sites).
- The FEE object strongly to the proposal to site almost all the new housing in the East End, but the BNP Steering Committee never asked to meet the FEE nor engaged with them (See EN1 para 9 requiring the effective engagement of the local community, neighbours of sites and others).
- The FEE submitted three petitions, two to the BNP and one in relation to the LP. A FEE submission with 127 signatures was submitted on April 4th 2019 in response the IDP (published on February 23, 2019), in which the allocations, later adopted by the PSLP were first set out. A second FEE submission with 164 signatures was submitted in October 2019 objecting to the TWFDLP, and in the same month, a third FEE submission with 167 signatures was submitted in relation to the Reg 16 draft BNP. Instead of acknowledging the strength of these views and the number of people who held them, the chair of the BNP Steering Group, who wrote a regular column in the

Parish Magazine about the BNP process, wrote in January 2020, that only “31 residents from the East End” had sent in “comments”. For the strength of today’s opposition to the BNP, see the FEE’s current online petition with over 450 signatures (see web link) .

Instead of being consulted, the FEE were ignored and belittled. They were informed on 11th March 2019 by the editor of the Parish Magazine (PM), husband of the Chair of the Parish Council, that “I’m of the view that much of the uncertainty has passed since the presentation of the plan to the village - to a highly favourable reception. At least we no longer have to give polite credence to *uninformed views* that fly in the face of TWBC policy and advocate direct and *pointless confrontation* with TWBC, thereby running the risk of having the entire BNDP thrown back in our faces. The *ensuing chaos hardly bears thinking about*. At least it seems the opinions now being afforded most weight are those *of people who have worked hard for two years to understand the issues* and come up with a coherent way forward.”

Consultation also failed in relation to the neighbouring **parish of Biddenden**. The Clerk of Biddenden Council has repeatedly responded to Benenden Parish Council in the course of the BNP consultation process, but received only acknowledgments. A Kent County Councillor and Ashford Borough Councillor wrote an article about BNP’s mismanagement of consultations with the parish of Biddenden in the Biddenden Parish Magazine, February 2021.

2. The plan is unsound because of the untimely publication of site allocations

Pre-Submission Local Plan, para 5.420 reads “The BNP was submitted to TWBC in October 2020 and was consulted on between 30 October and 11 December 2020.” But the allocations had already been made and published by the BNP in February 2019 in its so called “Informal Draft Plan”. The 2019 February allocations are virtually identical to the PSLP 2021 allocations. Para 5.420 states “The BNP proposes to include site allocation policies that follow the approach of the site allocation policies for Benenden in this Local Plan.” How can the BNP follow the PSLP’s approach when its sites were already allocated? Because the PSLP is founded on site allocations made by the BNP, the unsoundness of the latter carries over and produces unsoundness in the former.

The LP is based on the BNP and BNP allocations were made before **consultations with stakeholders**. This is not consulting in a timely fashion. For example, the PSLP requires archaeological surveys of the hospital sites *after* the designation of the sites for development. Historic England (HE) asks for the surveys to be carried out *before* allocation (see TWFDLP Comments DLP_4556 - “we would expect the allocation of sites following on from this Strategy policy (STR1) to be subject to appropriately robust and detailed heritage impact assessment *prior to the allocations being adopted*.”

3. The plan is unsound because the evidence on which it is based is inaccurate or irrelevant

Supporting Documents

AONB Setting Analysis report: Main Report and AONB Study Plans and Photographs Benenden Hospital/Hankinson Duckett Associates. November 2020.

See para 4.4.2, the description of the hospital site is for the *entire built up-hospital area*, minus the southerly LWS in the SEQ. It is therefore a *report on an area not submitted in the PSLP*. As a result, it draws its conclusions from areas not included in the PSLP. The conclusions are therefore unsound.

The report:

is concerned with adding 66-72 additional dwellings in addition to the 18 already extant on the northern site and presumably in addition to the 24 for which planning permission has been granted. That is between 108 and 114 new houses. The PSLP is talking about planning 43 houses for the northern site and 49 for the south. A total of 92 new houses. The report muddies the waters, leaving no clarity.

fails to note items of critical importance in any attempt to evaluate the landscape and historic importance of the site e.g.

- . that the site is on an east-west ridge giving it a dominant position in relation to the AONB;
- . the east-west Roman Road running over Benenden Healthcare Society (BHS) land a few yards to the south of the site, and the medieval drove road (Goddards Green Road - GGR) which divides the northern site from the southern one;
- . the National Monument Register which lists a Bronze Age palstaff (SMR Number/Hob UID) found at the hospital site, (though, oddly, the report does note Scheduled Monuments in the village);

- . that the SEQ development proposes two entrances on to Green Lane and two on to GGR, see Transport Planning Associates (tpa)- October 2019 Scoping note for BHS, 1907-038 under the section headed 'Access', para 4 .4 "The consented vehicle access arrangements will be retained. Therefore, vehicle access to the Site will be taken from two access points along Goddards Green Road and two on Green Lane." (This and other documents were revealed to the FEE in May 2021 as a result of the BNP Independent Examiner's queries. In spite of the Examiner's request that all such material be published on-line, this document and the KCC Highways 13 Nov 2019 "Pre-App Response" have been not been published). Such entrances will seriously impact the AONB. Both Goddards Green and Green Lane are designated Rural Lanes, and, of the two, Green Lane is mentioned as a particularly high scoring lane (for its beauty and tranquillity) in *TWBC's Rural Lanes: Supplementary Planning Guidance*. Creating a series of broad entrances large enough so that an "11.4 m refuse vehicle can enter and leave the site in forward gear (see KCC Pre-App Response 13-11-19, a document revealed to the FEE as a result of the BNP Examiner's queries but not made public) would have a substantial effect on the AONB. Hankinson Duckett Associates ignore the issue (see Section 4 on Benenden in the main report and photos B1 and B2 in *Supporting Plans and Photographs , Benenden*).
- . offers photos (B5 & B6) which are irrelevant to the site in question. These photos look south towards an area not up for development, and are taken from a point also not up for development. These omissions undermine the report's conclusion.
- . ***Inset Map 18 (Benenden Hospital)***, unlike other maps attached as supporting documents to the PSLP, Inset Map 18 makes no reference to the AONB boundary. This is a significant omission because both the PSLP and the BNP claim that the hospital is outside the AONB and on this basis, largely justify placing most of Benenden's housing in the East End. Because AL/BE3&4 lie on a high ridge to the north of the parish and because the AONB boundary wraps tightly round the site which bulges, like a balloon, into the AONB, development at the East End significantly affects the AONB. While TWBC acknowledges this by requesting the Hankinson Duckett Report, by publishing Inset Map 18, which omits the AONB boundary, TWBC loses a critical opportunity to show the true relevance of AL/BE 3&4 to the AONB. It could even be said that by leaving out the boundary, there is an implication that the hospital sites are genuinely 'outside' the protected area.
- . **Previous Stages, Draft Local Plan, Benenden Overview**, p263, provides a basis for the PSLP but contains inaccuracies.
 - . There is no "pre-school/nursery" as stated in the Overview
 - . There is no "Small shop at hospital" as stated in the Overview
 - . The statement that there are tennis courts and a café at the site is misleading. In TWFDLP Comments, Savills requests (see DLP_4956 para 3.14) that "the requirement to incorporate the tennis courts and retain the sports pavilion is removed". As for the café, BHS states in its comments on the LP that the café is for hospital use only - "the existing hospital buildings ... have only been designed for hospital use". See TWFDLP detailed additional submissions from Savills "*Representation to the TWBC Draft Local Plan Regulation 18*" 2- Sept- 1Nov 2019 para 3.18 and 3.19)

4. Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the **Sustainability Appraisal**, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

An examination of SA Table 58 pp 161-163 Sites AL/BE 3&4 and Appendix L pp 331-332 shows faults in the SA's evidence base.

Climate Change: AL/BE3&4 are not scored for climate change, nor are sites 158 & 222, yet, inexplicably, climate change is scored for AL/BE1&2 (Uphill and Feoffee) and for LS8. Where is the explanation for the failure to assess all sites, especially when sites 158, 222, AL/BE1&2 are all close to each other? The issue is particularly concerning in that sites AL/BE3&4 are both 3 miles distant from the village and without any amenities. Residents at these sites will be heavily car dependent and

this was of concern even when only 24 houses were proposed for the site. “You will see from KCC’s comments on the hybrid application (12/03130) that in consideration of this earlier application for 24 dwellings, the highways authority raised concern that all residents will be very heavily car dependent, which is contrary to a number of policy objectives, including the NPPF.” (see KCC Pre-App Response, 13 Nov 2019, revealed in response to the BNP’s Independent Examiner’s queries and still not in the public arena).

Biodiversity: AL/BE3 is considered to be less at risk in terms of biodiversity than AL/BE4 though AL/BE 3 has two Local Wildlife Sites (LWS) while AL/BE 4 has only one. Where is the evidence to support the idea that the one is less important for biodiversity than the other?

The SA’s scoring is not supported by evidence in a letter from Keith Nicholson of the Kent Wildlife Trust, former Planning and Conservation officer for the Kent Wildlife Trust (KWT), dated 4 March 2013, to TWBC Development Control Officer, Ellen Gilbert in which he states, “The 2012 survey has demonstrated that Benenden hospital LWS is more valuable than previously believed. The applicant’s consultant is now more firmly of the belief that the Site would fulfil the criteria for it to be considered a Site of Special Scientific Interest (paragraph 4.3.6.). The waxcap community is of national importance when judged against both the Reid classification (para 4.3.4.) and the JNCC Guidelines (para 4.3.5.).”

Nor is it supported by the view of the HW-AONB as stated in TWFDLP Comments (see DLP_3458) that the hospital LWS *“includes rare and vulnerable acid grassland which should form a core area for unimproved grassland as part of a High Weald nature recovery network.”* Neither the KWT nor the HW-AONB offer any indication that one or other of the LWS at the hospital is of less value than the rest. Further, we now know from (see web link),

Regulation 18 Representation made by Benenden Healthcare Society, November 2019, that BHS intends to abolish one of the two LWS in AL/BE3, see para 3.21. that “The Society supports the requirement for long-term management of the core areas of the LWS associated with the hospital land. This includes all but the modest area within the SEQ adjoining Peek Lodge which is too constraining on the South East Quadrant redevelopment proposals. Accordingly, the soils in the area will be translocated to a nearby receptor site to try to ensure that the rare fungi can continue to thrive in this local area.”

In other words, far from supporting biodiversity, the BHS plan is to reduce it in AL/BE3 and the same is true of AL/BE4 see (in the same document) para 3.17. “In addition, as highlighted in paragraph 3.13 above, the Society do not intend to use the area in which the garage block is located as an extension to the Local Wildlife Site (LWS) or for additional sports provision. As such, the Society request that the requirement to specifically use the land occupied by the existing garage block and manage it in the long term for the benefit of the LWS and / or sports provision is removed from the policy requirement.” Given this, biodiversity scoring in Table 58 of sites AL/BE3&4 is substantially overrated. Biodiversity at both sites is under threat.

Business Growth: AL/BE3&4 are scored as if they were more favourable to business growth than AL/BE1&2 and sites 158 and 222, but all four of these last-mentioned sites are in the heart of the village where residents will have ready access to local businesses as well as to daily bus services and other services and facilities. Residents at the East End, on the other hand, will have no access to local businesses except by car.

Education: All sites in this SA are scored equally for education, except for site 158 which scores less well. This SA report compares poorly with the SA which TWBC carried out on site 158 in 2006. 158 is parallel to and just north of the Street with its exit onto New Pond Road. In 2006 site 158 was chosen in a village referendum as the site for a new C of E primary school. It was the preferred site out of a choice of two, both of which were greenfield. TWBC’s 2006 SA on 158 decided (see page 18 of the *Sustainability Appraisal Benenden Church of England Primary School Land Allocation DPD - Issues and Options* report), that 158 was one of two top sites. “Situated adjacent to an area of ancient woodland, the site provides the potential for habitat linkages and wildlife corridors. The site is not adjacent to the CA [Conservation Area] and does not form a significant role in its setting. There are no Listed Buildings on or adjacent to the site. The site is consistent with the surrounding landscape character. There are limited views into the site and no public rights of way over the site.” On page 38, we read, “This site is anticipated to have a major beneficial effect on improving educational standards and travel choice/traffic levels”. In spite of the referendum result, the school was eventually built at the less preferred site and, since then, TWBC had been in consultation with 158’s owners to build houses there. If, in 2006, the SA offered site 158 as one of two top sites in the village for building the new

primary school, where is the evidence that it's appropriateness has somehow massively declined since then? Where is the evidence site 158 is less favourable to education than all the other sites mentioned, especially given that the hospital sites, so favoured for development, are three miles distant from the village school?

Table 58 states that "the education objective does not deteriorate when considering the cumulative effects as the schools in Tenterden will be a viable option for residents in East End." Children from the East End will have priority over the between 70 and 75% of the existing pupils at the school who come from outside the parish. On what basis is the assumption made that East End parents will prefer to drive their children 6 miles into Tenterden than drive to the primary school in their own village?

Heritage: AL/BE 3 scores slightly less well in terms of its heritage value than AL/BE4 without supporting evidence. How were heritage issues assessed when there is no apparent knowledge of the historic importance of the site, for example: the PSLP makes no mention of the Roman road a few yards south of AL/BE3; the medieval droveway (GGR), which runs through the site and along the ridge; and the Bronze Age palstaff found at the hospital site (National Monument Register - SMR Number/Hob UID). How can a site be scored or evaluated without at least some knowledge of the sites historic significance? This is available at (see web link) and advertised on the Benenden village website.

Services and Facilities: How can sites which are in the heart of the village such as 158 and 222, score the same as sites which are 3 miles distant and isolated in the country? The village has a daily bus service, continuous pavements on both sides of the street, several shops, including a post office, a general store, a butcher and a florist, as well as a pub/restaurant, village green, recreation ground, children's playground, church, memorial hall, village hall and a primary school. In spite of this, sites 158 and 222, both as close to the centre as AL/BE1&2, are described as lacking services and facilities including public transport (Appendix L pp 331-332) while the sites chosen for most houses are 3 miles out of the village where there are no amenities whatsoever. LS8 is also described as being remote, but it is only one mile from the village and connected to it by a paved footpath. It is close to a bus stop, a playground, tennis courts and a community hall and it is within walking distance of a pub/restaurant. How can its Services and Facilities be offered the same score as AL/BE3&4? These assessments are not understandable except if the sites were chosen before the SA (as is the case) and the SA had to be manipulated to support those original choices.

Question 6

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Many of the PSLP's problems are associated with failure in the duty to co-operate and can therefore not be remedied.

Many are due to poor evidence or poor interpretation of evidence. This too cannot be remedied.

In summary, development on site AL/BE3 should be limited to the existing, so far unused, planning permission for 24 houses, preferably by adapting the Garland Wing, which is a building of historic value, either to a wellness centre, in accordance with its original intention, or to a row of up to 10 terraced houses. Site AL/BE4 already has 18 semi-detached houses on it, and cannot support any more. It should therefore be excluded. Housing should be allocated to sites such as 158 and 222 in the village centre, or to LS8 in Iden Green. These sites all lie within walking distance of shops, other amenities and the primary school. Paragraphs 5.421 and 5.422 should be omitted.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)? . Yes, I wish to participate in hearing session(s)

Question 7a

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If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In order to present my case and to answer those with vested interests who may seek to put forward arguments against it.

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Sustainability Appraisal

As far as the East End of Benenden is concerned, the plan is unsound because the Sustainability Appraisal, which is the heart of the planning process, provides evidence that is often incorrect, sometimes inadequate, but always untimely because the evidence on which site allocation should depend, follows, instead of precedes, site allocation. This was first published February 2019 in the BNP's Informal Draft Plan. The allocations then made are identical (save for a few additional houses) to those now made in the PSLP. Site allocation cannot be supported in retrospect.

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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

<input type="checkbox"/>	Yes, I wish to be notified of future stages of the Local Plan
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Supporting Information File Ref No: SI_38

Comment

Agent	Mr Roger Nightingale [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Sam Jackson [REDACTED]
Address	[REDACTED] [REDACTED] Paddock Wood [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sam Jackson [REDACTED]
Comment ID	PSLP_566
Response Date	28/05/21 10:24
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_566_site_location_plan.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr Sam Jackson
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams
Question 3	

To which part of the Local Plan does this representation relate?

Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not positively prepared
- . It is not effective

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

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The plan as drafted contains an anomaly with respect to the allocation of land for development at Paddock Wood that means that it is not 'sound'. This anomaly relates to the precise position of the boundary for the proposed development east of Paddock Wood. Firstly, the proposed allocation excludes a small area of land fronting Queen Street that has recently been the subject of a planning application for residential development and which should clearly be included in the overall allocation. Excluding this area of land creates an unfortunate anomaly in the development area, and it would be much better if it was included so that the whole area can be developed in a properly comprehensive way. The owners of this land are fully supportive of it being included in the development area. The area in question is shown on the location plan submitted with this form. [TWBC: see site location plan attached].

Secondly, one of the maps in the draft plan (Map 27 - Masterplan Area) does actually include the land referred to above in the development area, whereas the other indicative maps in the plan exclude it. This is clearly an anomaly that means that the plan is not 'sound' and needs to be amended. It would make much more sense to include it so that the whole area can be dealt with comprehensively, and this unfortunate exclusion is avoided.

For office use only

New Site Submission? Enter site address

The Brackens, Queen Street, 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.

Please see comments in section 5 above.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	<input type="checkbox"/> 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:	<input type="checkbox"/> Yes, I wish to be notified of future stages of the Local Plan
--	--

Comment

Agent	Mr M Hull [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Kember Loudon Williams
Address	[REDACTED] [REDACTED] ROYAL TUNBRIDGE WELLS [REDACTED]
Consultee	Mr Ronald Jakes [REDACTED]
Address	[REDACTED] [REDACTED] Brenchley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Mr Ronald Jakes [REDACTED]
Comment ID	PSLP_1806
Response Date	04/06/21 10:38
Consultation Point	Policy H 9 Gypsies and Travellers (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	Ronald Jakes
Question 2	
Agent's Name and Organisation (if applicable)	Kember Loudon Williams Ltd
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy H 9 Gypsies and Travellers

Table 11

Policies Map (Inset Map No(s)) 82 – Greenfields Farm

Question 4

Do you consider that the Local Plan:

Is sound

No

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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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Objection to Policy H9 and specifically the Greenfields Farm allocation which seeks to allocate further land for a travellers/gypsy site.

The Plan is not sound because insufficient consideration has been given towards the resultant traffic impacts, suitability of the site and other Local Plan conflicts. As such it has resulted in a Plan which is unsound not effective and not justified. Nor is it consistent with Planning Policy. The following explains the objections in more detail.

It is noted in the draft Plan as a footnote on page 415 that the Greenfields site is a new site submitted after the Regulation 18 draft Plan. It has no context in terms of being a historic gypsy site and as such must be considered on the basis of a new allocation in the countryside.

On behalf of the objector's we take the view that the site is wholly unsuitable for residential uses of the type envisaged based on the character of the area. It will be clear on the site visit that the access is narrow and already serves a number of non conforming land uses such as a scrap yard (Scrapco Metal Recycling and waste transfer business), CJ Enterprises which specialise in material processing including bulk deliveries and export of materials with HGV's, a car body repair business (Riverdale Body Repair Centre), various other automotive companies, including Osmonds a road planings company that results in heavy plant using the lane, and other HGV Transport and tyre services. Although there are some residential properties along the access lane, they experience noise and disturbance that affects their residential amenity. The scrap metal recycling business is adjacent to the proposed site and this is a B2 industrial use, incompatible with a residential area. The site is therefore clearly unsuitable for further residential uses such as a gypsy or traveller sites on amenity grounds and the Plan is therefore unsound.

The level of traffic along this access road is significant and the access is unsuited to additional traffic generated by the allocation given its single width character. The nature of the traffic along this access

road comprises HGV's, high sided vehicles and skip lorries at very regular intervals. There is a shooting club, which uses a site off this access and generates significant traffic. The sheer volume of traffic is such that the access and junction is at over capacity. Congestion along this access road and especially at the junction where large vehicles cannot pass results in an unsafe existing situation. This, together with the limited visibility on the 60mph Pearsons Green Road leads us to conclude that any further intensification of the access and junction by this allocation is wholly undesirable and puts highway safety at issue. The proposed allocation is not supported by a road safety audit to confirm that both Pearsons Green Road and the access track/junction is safe for the additional traffic proposed and neither is there evidence that the roads have sufficient capacity by way of a Transport Assessment. In the absence of this information, the site cannot reasonably be allocated as it would result in an unreasonable intensification of the uses.

The Policy criteria of H9 fail to consider either the amenity of those expected to use the Traveller site or the suitability of the access. In the absence of these criteria it is the case that this Policy is unsound and not effective.

The site that is to be allocated is significantly larger than the 3 pitches that are allocated in Table 11. This suggests that the draft Policy is not sound. It invites additional pitches notwithstanding criterion 1 of Policy H9.

The site is unsustainable in its location. There is no opportunity to access local facilities or public transport and although the site is for a Travellers site there should be an expectation that some services and facilities could be accessed by foot. Shopping and schools would require additional car journeys. The NPPF explains that sustainability comprises both environmental, social and economic matters and in all respects the site does not comply with these guiding principles.

Localised flooding also occurs around the access to the site and this would indicate that the site should not be identified for any residential type uses such as a Traveller or gypsy site. In the absence of evidence addressing flood risk the allocation should be deleted.

Question 6

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Modify H9 and Table 11 to delete the proposed allocation at Greenfields Farm (Inset Map 82) and to consider additional land at the other sites to compensate.

To amend Policy H9 to require residential amenity and highways access safety and capacity to be specific criteria for this Policy.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Question 8

If you have any separate comments you wish to make on the accompanying Sustainability Appraisal, please make them here.

Given the extensive amenity, highway, flood risk and sustainability objections, the sustainability appraisal ought to direct that the site should be considered unsustainable and that it should not be allocated.

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	Rachel Maguire [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lee Evans Partnership
Address	
Consultee	Jarvis Homes [REDACTED]
Email Address	[REDACTED]
Company / Organisation	Lee Evans Partnership
Address	[REDACTED] Chilmington Green Ashford [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Lee Evans Partnership (Jarvis Homes [REDACTED])
Comment ID	PSLP_1136
Response Date	03/06/21 17:29
Consultation Point	Policy AL/LA 1 Land to the west of Spray Hill (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Jarvis Homes
Question 2	
Agent's Name and Organisation (if applicable)	Rachel Maguire - Lee Evans Partnership
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/LA 1

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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This representation has been prepared on behalf of Jarvis Homes. A planning application is currently being prepared, following a positive pre-application with the Council's planning department, for residential development as prescribed in the draft allocation policy. During feasibility it has become apparent that there will be significant obstacles to criteria 3 of the draft policy, in particular the "Provision of a pedestrian footway from the site westwards along Sand Road...", as explained below.

A 1.8m footway on Sand Road, meeting KCC's desired standard, would not be feasible for a number of reasons. The main reason is that the existing highway verge is relatively narrow, with a pinch point of 1.2m that extends over a distance of approximately 60 metres. This highway verge also appears to have been encroached onto by neighbouring private properties and reclaiming this back could be a long and challenging process if legal action was required.

A feasibility exercise has been carried out to understand whether a 1.8m wide footway could be extended into the carriageway, with the carriageway narrowed to a minimum of 4.8m. However, as the carriageway is already relatively narrow and close to a bend this would likely be unfeasible for vehicle/pedestrian conflict and safety reasons. Discussions with KCC have also raised issues with narrowing the carriageway relating to highway maintenance, as the whole road would need to be closed for any work or maintenance to be completed, and in a separate review by KCC last year the same finding was made that a footway is not feasible at this location.

It is submitted that criteria 3 should be amended given that as it stands, it is not deliverable. We would propose wording to the effect "3. Ensure good pedestrian connectivity from the site to the wider footway

network". Provisions outlined in criteria 4 can be delivered, meaning pedestrians will have access to adjacent public rights of way, which in turn lead to links to the village. It is acknowledged that interconnectivity and the ability to travel by foot or public transport is important to new development and it is fortunate that in this case a good network of footways, PROW's and bus stops already exist. It must be remembered that the Council and KCC Highways will be able to input into pedestrian connections during the course of the planning application, where an approach can be agreed between all parties.

We would also comment on criteria 4, which requires "pedestrian (and cycle) linkages to Public Right of Way WT388 to include sensitive lighting and surfacing of footpath". This is currently ambiguous in what is being sought by the Council. It is submitted that the residential development of the site "include connections to Public Right of Way WT388 for use by pedestrians and cyclists" – the PROW runs through the site so it is accepted that it should be integrated into the development. It would be appropriate to also surface the PROW given its integration into the development. However, for the same reason it is submitted that it does not require its own lighting. Successful urban design will ensure that the PROW benefits from natural surveillance and lighting from the development itself and this can be ensured during the planning application process. Unnecessary, excessive lighting will conflict with the principles of AONB protection.

Wording for criteria 4 could be "Integration of Public Right of Way WT388 into the development, to include surfacing of footpath, as well as a connection to WT380 to provide ready pedestrian (and cycle) links to Scotney Castle estate, in liaison with the National Trust about how these links could be delivered".

To summarise, it is submitted that criterion 3 and 4 should be amended.

Question 6

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It is submitted that criteria 3 should be amended given that as it stands, it is not deliverable. We would propose wording to the effect "3. Ensure good pedestrian connectivity from the site to the wider footway network". Provisions outlined in criteria 4 can be delivered, meaning pedestrians will have access to adjacent public rights of way, which in turn lead to links to the village. It is acknowledged that interconnectivity and the ability to travel by foot or public transport is important to new development and it is fortunate that in this case a good network of footways, PROW's and bus stops already exist. It must be remembered that the Council and KCC Highways will be able to input into pedestrian connections during the course of the planning application, where an approach can be agreed between all parties.

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No, I do not wish to participate in examination hearing session(s)

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Yes, I wish to be notified of future stages of the Local Plan

Supporting Information File Ref No: SI_118a-d

Comment

Agent	Mr Thijs Bax ()
Email Address	
Company / Organisation	Kent Planning Consultancy Ltd
Address	 Biddenden TN27
Consultee	Mr Sam Jarvis ()
Company / Organisation	Jarvis Homes Ltd
Address	- - - -
Event Name	Pre-Submission Local Plan
Comment by	Jarvis Homes Ltd (Mr Sam Jarvis -)
Comment ID	PSLP_1880
Response Date	04/06/21 09:39
Consultation Point	Policy AL/SA 2 Sharps Hill Farm, Queen Street (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1880_Kent_Planning_Consultancy_for_Jarvis_Homes_SI-2_Heritage_Impact_Assessment.pdf PSLP_1880_Kent_Planning_Consultancy_for_Jarvis_Homes_SI-4_Landscape_&Visual_Assessment_Pt_2 PSLP_1880_Kent_Planning_Consultancy_for_Jarvis_Homes_SI-1_Representation.pdf PSLP_1880_Kent_Planning_Consultancy_for_Jarvis_Homes_SI-3_Landscape_&Visual_Assessment_Pt_1
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Jarvis Homes Ltd
Question 2	

Agent's Name and Organisation (if applicable) Kent Planning Consultancy Ltd

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SA 2 Sharps Hill Farm, Queen Street

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

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Land at Sharps Hill Farm, Queen Street, Sandhurst, Cranbrook, Kent, TN18 5HR

Representation to the Local Plan Regulation 19 Consultation

INTRODUCTION

These representations have been prepared by Kent Planning Consultancy Ltd ('the planning agent') on behalf of our client Jarvis Homes Ltd (hereafter referred to as the 'Appellant') in respect of Tunbridge Wells Borough Council's (the Local Planning Authority – hereafter referred to as 'TWBC') Regulation 19 'Pre-submission Local Plan' public consultation, and to the land known as Sharps Hill Farm, Queen Street, Sandhurst, Cranbrook, Kent, TN18 5HR (hereafter referred to as 'the Site'). The site matches that known within the Pre-submission Local Plan as draft allocation 'Policy AL/SA 2', 'Sharps Hill Farm, Queen Street'.

The Pre-submission Local Plan subject to this consultation was agreed to take place at Full Council on 3rd February 2021.

The report submitted to the Full Council in support of making progress in the Local Plan through the Regulation Consultation acknowledges that Tunbridge Wells is ultimately aiming to meet its housing need as calculated by the Standard Methodology, a position both Jarvis Homes and Kent Planning Consultancy support.

In Sandhurst, the Council are seeking to allocate two sites, AL/SA 1 and AL/SA 2, both of which are proposed to deliver between 10 and 15 units within the Local Plan. Jarvis Homes and Kent Planning Consultancy believe that the AL/SA 2 site is capable of providing a higher figure than that allocated. The 2019 submission initially included some 31 dwellings, and had broad support from Officers' at pre-app, however, during the application stage this was reduced to 16 to reflect consultation comments.

The purpose of these Representations is to promote the continued support by the Local Authority of the site AL/SA 2 within the Local Plan.

Despite the recent refusal of 19/01493/OUT, the reasons for which are reviewed and addressed within these Representations, it is considered that the site is clearly deliverable, and that it can meet the higher end of the target figure or above, which will assist the Council in meeting both its standard methodology requirement, and secure its buffer, which is considered a necessary component of the Local Plan.

These Representations do not seek to revisit the planning application currently at Appeal nor repeat the submission of the Appeal, but seek to support the continued allocation of the site, and will do so using the existing documentation available, much of which inevitably comes from the previous submissions. Further assessment of the heritage and landscape impacts have also been made, and are appended to this submission for information.

The site is clearly deliverable, being promoted by a housing developer with the ability to deliver the site itself. The developer has shown clear interest in delivering the site having submitted an application to the Council in 2019, and is able to deliver the site early in the Local Plan period.

SITE HISTORY

The site history contains a number of proposals relating to householder development,, however, the primary history relating to this development is as follows:

19/01493/OUT - Outline (all Matters Reserved except Access) - Residential development of up to 16 no. dwellings with associated parking, amenity and landscaping – Refused – 05/02/21

An Appeal by Written Representations is ongoing in relation to this matter.

The reasons for the refusal given by the Committee, which focused primarily on landscape impact to the Area of Outstanding Natural Beauty, and impact on heritage assets, are addressed further in these Representations. Additional supporting information is also provided to support the continued allocation of the site.

In accordance with Para.16 (b) of the NPPF, the site remains deliverable.

SITE CONTEXT

Immediate

The draft allocation site consists of approximately 1.54 hectares and is located on the south side of Queen Street (A268) in the Sandhurst Parish of the Borough. The site comprises a detached dwelling known as Sharps Hill Farm, its residential curtilage and agricultural/paddock land that hosts two, relatively small, stable like structures. The agricultural/paddock land is currently divided and in use as private paddock land for the keeping of horses associated with the current owner of the dwelling. The site is largely grasses surfaced, other than small areas of hardstanding around the dwelling and stable structures. The land level slopes upwards from Queen Street towards the south of the site.

The boundaries of the site are marked largely by trees and hedging. A pond is located towards the north east corner of the site and there is a stream which runs along the east boundary of the site. The site is largely overgrown and unmaintained in parts particularly to the eastern boundary of the site where a relatively dense woodland area lies. Outside of this woodland there are a small number of trees within the site, otherwise the site is largely open in nature.

The site has two access points from Queens Street; a shared residential driveway, located towards the north of the site, which serves both Sharps Hill Farm and the neighbouring property of Sharps Hill Oast and a field gate access leading in the agricultural land, located further to the south, which appears

to have been disused for some time. The lawful use of the majority of the site is agriculture which does not constitute Previously Developed Land (PDL). However, where the existing dwelling and defined residential curtilage lie, this part of the site would be considered to constitute PDL. Therefore the site partly comprises PDL.

Surrounding

The site is located Outside of the Limits to Built Development (LBD) and within an Area of Outstanding Natural Beauty (AONB). The site is however adjacent to and immediately to the west of the defined LBD boundary of Sandhurst. The site also falls within an Archaeological Potential Area and parts of the west of the site fall within an area of Potentially Contaminated Land.

Approximately 60m to the west of the site lies a grade II listed building (Bayford House) and the Sandhurst Conservation Area is located approximately 170m to the east of the site. The neighbouring property of Sharps Hill Oast would also be considered a non-designated heritage asset. Approximately 185m to the west lies designated Ancient Woodland. Approximately 120m to the west of the site lies a Public Right of Way (WC288) which runs from Queen Street and heads in a southerly direction.

Immediately to the east of the site lies the LBD and Stream Pit Lane which comprises predominantly semi-detached properties, a number of which back onto the application site. To the north and opposite the site lies a small number of detached properties of varying scales and styles. This includes the site occupied by the property known as Pinyons located at the west end of this row of properties. The site to the west of Pinyons, known as Land West of Pinyons, was recently the subject of application 18/02225/OUT which sought consent for the erection of 27 dwellings. This application was refused and has not been appealed. This application is discussed in greater detail in the appraisal section of the report.

To the immediate west lies the property of Sharps Hill Oast and beyond that lies the property of Bayford House. To the south of the site lies agricultural land in association with Oaklands Farm that hosts a small number of buildings including a poultry unit. Oaklands Farm has recently been granted consent for an agricultural workers dwelling to replace a temporary mobile home under 19/01635/FULL.

The site is defined on the Sandhurst draft Policies Map of the Council's Draft Local Plan (Regulation 19) for residential development under Policy AL/SA 2. The site is provisionally allocated for residential development providing approximately 10-15 dwellings, of which 40% shall be affordable dwellings.

DRAFT ALLOCATION

The pre-submission Local Plan currently allocated the site for between 10-15 units, under the Policy reference AL/SA 2 'Sharps Hill Farm, Queen Street'

The policy reads:

'This site, as defined on the Sandhurst Policies Map, is allocated for residential development providing approximately 10-15 dwellings, of which 40 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *A single point of access should be provided to Queen Street, as shown indicatively on the site layout plan, and be supported by a transport assessment submitted with the planning application;*
- 2 *The setting of the settlement character, Bayford House, Sharps Hill Oast, and the Sandhurst Conservation Area shall be maintained, including through the layout and design of the development being informed by a landscape and visual impact assessment and heritage assessment;*
- 3 *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. Any trees removed as part of the vehicular access should be replaced along the northern site boundary;*
- 4 *The layout and design of development should be informed by a landscape and visual impact assessment, and should respond positively to the existing settlement pattern and the well-treed character of the site. The scheme shall give full consideration to the site's edge-of-village location, providing a suitable and sensitive urban edge to the settlement, including provision of landscape buffers to ensure a soft approach to the village; development in the south-west corner of the site shall be of low density;*
- 5 *Contributions are to be provided to mitigate the impact of the development, in accordance with Policy PST/SA 1.*

A supporting map has been provided as part of the draft, and this is considered below.

Comments

Jarvis Homes and Kent Planning Consultancy have reviewed this draft allocation and make the following comments with respect to each of the five 'requirements' for the site to accord with:

- 1 The proposed site access is from Queens Street, and a Transport Assessment has been submitted, and updated, to reflect that suitability of this access. During the application stage, this TA was amended to reflect the reduction in units to 16, and this was supported by Kent County Council Highways, who raised no objection, and asked for a £1000 contribution per unit to local services and highways improvements. There is no objection to this contribution from the developer. This part of the draft policy is considered supportable.
- 2 A Landscape Assessment was submitted with the previous application, and this was continually updated to reflect changes to the proposal, including the final 16 unit iteration considered by the Development Management Committee. The Assessment concluded that the impact on the wider landscape would be compensated for with satisfactory planting and large site buffers. The Council's Landscape Officer came to support this view towards the end of the process, and despite limited concerns of the indicative layout, was satisfied. The layout can be addressed through further submissions and is not considered a material barrier to the principle of development, where the size of the site and the relatively low numbers allocated provided for a wide range of alternate layouts.

The supporting map for the draft allocation shows the northern (Queens Road) eastern and southern portions of the being retained as open space and landscape buffer. The proposal submitted for 16 units demonstrates that not only is this possible, but that the development could be achieved within a smaller portion of the site, making the site not only deliverable, but also potentially able to deliver a greater portion of homes, or, with a significant larger landscape buffer than required to achieve the primary aim of protecting neighbouring heritage assets and the AONB.

The final aim is to ensure that there is a 'soft approach to the village', within which the Conservation Area is focused, and it is clear that this aim can be achieved by the development.

- 1 With the area of development required to meet the 10-15 homes target for the site, and even with the larger number demonstrated as being possible, there is clear scope for the site to retain the vast majority of its existing mature trees, in particular those at the boundaries.

Those on the northern boundary are sought for protection because they soften the entrance into the village and the Conservation Area. Whilst some are necessarily removed to facilitate the entrance to the site, the site plan in the allocation allows for ample additional provision on the northern boundary of the site.

Large landscape buffers are achievable on all four sides of the site, with particular regards given to any visual impact from the south, where a large tree and hedge line can be achieved alongside public open space.

Further buffering on the western boundary of the site could be achieved through the removal of the need to contain a buffer of the eastern side of the site. Whilst it would appear that there is a desire from the Council not to upset neighbouring residents, there are no strong planning grounds to prevent the development abutting the eastern boundary, save for the need to protect existing trees, which is achievable.

- 1 Building on point 3, point 4 seeks to prevent the development acting as a hard entrance to the village, which is a key concern of the Council, given that the site is situated both within the AONB, and the extent of the village Conservation Area, the setting of which the Council seeks to preserve. It has been demonstrated through the previous submission that a soft boundary can be created, with existing trees on the northern boundary of the site added to, to increase the level of screening and reduce any sense of suburbanisation of the village entrance. The site entrance road, being to the north-west of the site, has previously been designed to the standards required by Highways, but in a way that has the most minimal visual impact.

The current draft policy concludes that 'development in the south-west corner of the site shall be of low density'. Not only has it been demonstrated that this can be achieved, it has also been demonstrated through previous submissions that the south-west corner can avoid being developed at all without compromising the allocation numbers. In the opinion of Jarvis Homes and Kent Planning Consultancy, the aforementioned acts to demonstrate that the allocation numbers could be increased without detriment to the overall aims of the draft policy.

- 1 For completeness, all parties agree that the development should provide suitable contributions to mitigate any impact of the development.

Given all of the above, Jarvis Homes and Kent Planning Consultancy support the draft allocation and its wording. However, it remains that the site could clearly provide a larger proportion of the Borough's need, and the more localised need of Sandhurst, and it is our opinion that the site allocation could be increased to approximately 25-30 units to reflect the above analysis.

The below site review further outlines and addresses the primary planning constraints for the site, and demonstrates that these can be overcome, in order to further support the continued allocation of the site.

SITE REVIEW

The Council will be aware that an application for the development of the site had previously been submitted in 2019 and, after several iterations, was refused by the Development Management Committee in February 2021. The reason for Refusal given was:

"The proposed development would not constitute sustainable development in the context of the National Planning Policy Framework in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon nearby designated heritage assets. The benefits of the proposal would not outweigh this harm and therefore the proposed development is contrary to Paragraphs 8, 11, 130, 172, 193, 194 and 196 of the National Planning Policy Framework, the provisions of the National Planning Policy Guidance, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy June 2010 and Policies LBD1, EN1, EN5 and EN25 of the Tunbridge Wells Borough Local Plan 2006."

It is noted that the Officer's recommendation to the Committee was to approve the application, and that the reasons given for the recommendation were:

- . In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are "out-of-date". Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied);
- . The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and Local Policy in respect of these material considerations;
- . The proposal would result in harm to the AONB and character and appearance of the countryside through the development of this predominantly greenfield site which contains some PDL; however, the adverse impacts of the proposal would be outweighed by the contribution the proposal would make to the Borough's housing need; the provision of 40% affordable housing and financial contributions towards community services/facilities and demonstrates that the development is in the public interest.
- . The proposal would result in less than substantial harm to the setting of the Sandhurst Conservation Area, a nearby listed building and non-designated heritage asset. However, this harm is considered to be outweighed by the public benefits set out above;
- . The proposal would secure several contributions to nearby facilities;
- . The number of residential units are considered to be appropriate to this site and its locality;
- . The proposal would not cause significant harm to the residential amenities of surrounding and nearby neighbouring properties.
- . The traffic movements generated by the development can be accommodated without detriment to highway safety and the proposal includes adequate car parking provision;
- . Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.

Understandably, at this stage neither the officer nor the Committee gave any weight to the emerging Local Plan, for which this Regulation 19 consultation would not have started, nor would Full Council have approved its publication.

Given both the Committee decision and officer report, it is clear that both focus heavily on the Heritage impact, and the Area of Outstanding Natural Beauty.

In support of this draft allocation, and in support of the on-going Appeal for the site, Jarvis Homes and Kent Planning Consultancy, a Landscape & Visual Assessment ('LVA') (Oct 2020; Appended), and a Heritage Impact Assessment ('HIA') (Feb 2021; Appended), have been produced.

Landscape and Visual Assessment

The report produced by Hill-Wood & Co. (Kent) Ltd ('HW&Co'), dated October 2021, makes an assessment of the site's potential impact upon the surrounding landscape.

As the site is situated within the AONB, it is important to ensure that the site does not have a significant or prominent impact upon the wider landscape, to such an extent in particular that it would distract from the overall character of the Area of Outstanding Natural Beauty and be harmful.

However, it should be remembered that that human built form can, and does, form a key part of the character of any Area of Outstanding Natural Beauty, and of course this is no less the case within the High Weald AONB. AONBs are 'cultural landscapes'; human intervention in the landscape is a key factor in the overall appearance of the landscape. Further, these landscapes are not, and should not be, landscapes in which time has come to stand still. Much of the development within the High Weald AONB, and no less in Sandhurst itself, has happened within the last 100 years, and form a key part of the character of the landscape.

The High Weald Management Plan 2019-2024 does little to recognise the impact of existing urban settlements within the AONB, focusing primarily on a historic reflection on the landscape. It does however, to an insufficient degree, demonstrate an understanding that the High Weald AONB is heavily influenced by modern development (C20), as well as historic development.

In assessing the impact of the proposed development, HW&Co have undertaken an assessment based on the later proposed 16 units development, however, the content of the assessment could, in the opinion of Jarvis Homes and Kent Planning Consultancy, extend reasonably to almost any scheme where a suitable landscape buffer to the site boundaries can be achieved, and particularly within the area indicated suitable for residential development within the AL/SA 2 draft allocation.

In reviewing the site, HW&Co drew a 2km site buffer, and used a mixture of local geological patterns and landscape patterns, but excluded built form and woodlands as a visual impairment, to produce a 'Zone of Theoretical Visibility' ("ZTV"). Even at this high base level, the report demonstrates that, far from being highly visually exposed in the landscape, there is a very limited area, primarily to the north of the site, from which the site could theoretically be seen. The ZTV is almost entirely within 1km of the site.

Within the ZTV, the A258 and public rights of ways ('PROWS') WC268 (heading south from the site), WC297 (to the north east of the site, from the eastern side of the village centre heading north), and to a far more limited extent (at a distance of nearly 2km), WC298, provide the only 'publicly accessible' views from within the landscape itself.

As the HW&Co assessment goes further, it becomes apparent that the site is already heavily screened from long views by existing vegetation and built form.

Without repeating the content of the document, it is clear that the site's visual impact is likely to be extremely limited. The report concludes that retaining, enhancing and reinforcing existing boundary planting will be sufficient in providing a high level of screening to the site. Enhancements, such as the use of dispersed non-deciduous species within landscape buffers, could further reduce any visual impact.

Overall, it is clear that the site can preserve and enhance the AONB and the broader landscape, and that the allocation of the site within the Draft Local Plan does not have an inherently detrimental impact on the landscape.

Heritage Impact Assessment

A Heritage Impact Assessment ('HIA') report, produced by CornwallisRumley, dated February 2021, has been produced to support the submission of these representations to the Regulation 19 consultation.

It is unclear from the reason for refusal on the 2019 application what heritage assets are the subject of concern with regards to the impact from the development. The HIA provides a clear map of the local Conservation Area, and Listed Buildings. There is no conservation Area Appraisal, so it is not clear precisely what the historic character and appearance that is to be enhanced and preserved actually is.

The closest heritage asset to the property is Bayford House, to the site's west, and Sharps Hill Oast is identified by the Conservation Officer in comments received in relation to 19/01493/OUT as a non-designated heritage asset.

It is worth noting that the Conservation Officer did not object to the application, and suggested that there was 'less than substantial harm to heritage assets'; this was outweighed by the benefits of the site, all of which would remain were the site allocated.

The HIA appended to this application is considered able to speak for itself in supporting any planning application and the allocation for the site, and given the comments by the Planning Officer for 19/01493/OUT and the Conservation Officer on the same application, it is considered largely evidence that the allocation of the site does not have a significant detrimental impact of heritage assets, and is capable of conserving these assets. However, it should be noted that the HIA identifies the following findings:

- It is considered that with good management practices in place from the Local Planning Authority, to control and manage the delivery of any future scheme, to ensure that it is appropriate in both its scale, form and appearance and that it adheres to the Site Allocation Policy together with all the remaining policies set out in the Local Plan, the planned development will provide will provide a high quality and responsive development to the site's heritage context. It is suitably distanced from the Sandhurst Conservation Area, key buildings, features and elements whose individual significance and setting will be wholly conserved by the planned development.

- The planned development will occur on the western edge of Sandhurst village which has previously been subject to low-medium scale development. The planned development on this one edge of the village will be set in the backdrop of intervening built and landscape form and screened by a buffer zone of trees.

- The planned development will have a minor impact on the heritage assets, particularly as the topography of the site is falling eastwards away from these two heritage assets the impact is even lessened.

- With good development management practices and through a future scheme that should adhere to the site's context, constraints and opportunities, it can be reasonably envisaged that the planned development would be responsive to the established character and scale of the site and the surrounding landscape

KCC Archaeology also highlighted that there is also some archaeological potential to the site, and requested conditions on any consent. This is not considered a barrier to allocation.

ALLOCATION SIZE

The report submitted to the Full Council in February 2021, in support of making progress in the Local Plan through the Regulation Consultation, acknowledges that Tunbridge Wells is ultimately aiming to meet its housing need as calculated by the Standard Methodology; both Jarvis Homes and Kent Planning Consultancy support this approach.

Nevertheless, the report to Council acknowledges that, as the standard method caps housing need at 40% above household creation projections, the total target provision of 12,204 is actually circa 10% lower than it would otherwise be, circa 13,500. This is broadly in line with the 2014 household creation projections, which expected a household growth of 16,000 between 2014 and 2039. Part of this demand has of course already been met, and the figures extend beyond the Plan period. Whilst aspirational, the household projections should be used as a 'stretch target' by any aspirational Council looking to meet its own need.

The Local Plan contains a 'buffer' of circa 1,050 dwelling by the Council's own measure, and seeks to provide 13,059 and 13,444 dwellings over the plan period, but his relies partly on the coming forward of some circa 1300 units 'small sites' windfall, amongst existing allocations and extant permissions, which the Council is also assuming will come forward. Overall, the total provision sought remains just below household projections, and relies partly on unproved supply in the form of windfall and extant permissions; without these, the number of dwellings provided over the plan period falls short of the standard methodology as well as the uncapped household projections figure.

Tunbridge Wells is a heavily constrained borough, and the Council's Plan is considered ambitious, however, it relies heavily on each of the site's allocated, totaling between 8,076 and 8,461 dwellings, coming forward. Whilst the coming forward of each of these sites would appear likely, it is paramount

that every site allocated within the plan remain, in order to provide a reasonable buffer to allow both non-delivered sites, in order to ensure that the housing need as measured by the standard methodology is met, and that the Council has any hope of meeting its household projections 'stretch' target.

The Council are seeking to spread the housing need identified across the Borough, whilst reflecting the constraints of the Borough, particularly the Area of Outstanding Natural Beauty.

In Sandhurst, the Council are seeking to allocate two sites, AL/SA 1 and AL/SA 2, both of which are proposed to deliver between 10 and 15 units within the Local Plan. Jarvis Homes and Kent Planning Consultancy believe that the AL/SA 2 site is capable of providing a higher figure than that allocated. The 2019 submission initially included some 31 dwellings, and had broad support from Officers' at pre-app, however, during the application stage this was reduced to 16 to reflect consultation comments.

Despite the recent refusal of 19/01493/OUT, it is considered that the site is clearly deliverable, and that it can meet the higher end of the target figure or above, which will assist the Council in meeting both its standard methodology requirement, and secure its buffer, which is considered a necessary component of the Local Plan.

In order to maximise delivery, and best secure the total delivery targeted, each allocation should seek to make the most efficient use of the land allocated.

NPPF Chapter 11: 'Making Effective Use of Land' (para 117-123) Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Planning policies and decisions should, amongst other matters, encourage multiple benefits from both urban and rural land areas which take the opportunity to achieve net environmental gains such as proposals which would enable new habitat creation or improve public access. Planning decisions should promote and support the development of under-utilised land and buildings, particularly where available sites could be used more effectively (Paragraph 118). Support shall be provided for development that makes effective use of land through achieving appropriate densities and ensuring that developments make optimal use of the potential of each site.

Paragraph 122 sets out that decisions should support development that makes efficient use of land taking into account factors such as the identified need for different types of housing and the availability of land suitable for accommodating it (para. 122a), the desirability of maintaining an area's prevailing character and setting (para. 122d) and the importance of securing well-designed, attractive and healthy places (para. 122e).

Clearly, the need to make efficient use of land must be balanced against the other aims of the Council's Local Plan and wider planning policy, and that includes the protection of heritage assets and the AONBs. Further, a suitable mix of homes makes efficient use of land by creating a mixed community.

During the consultation process for 19/01493/OUT, under the initial proposal of 31 dwellings on the site, the Campaign for the Protection of Rural England ('CPRE') were invited to respond to the application, and their comment dated 24/07/2019 read:

'The Council has been pressing for 30-40 dwellings per hectare, which is the minimum necessary to avoid unnecessary loss of greenfield land to meet the Government's housing targets, and this version still falls short on that: 31 dwellings on 1.5 hectares is not numerically high, and without information on how many hectares the "developable" part of the site consists of it is difficult to assess whether the proposed development complies with the density requirements of Paragraphs 122 and 123 of the NPPF. If the Council is minded to approve this application, it should insist on its density requirements being met.'

As noted by CPRE, the allocation site AL/SA 2 is approximately 1.54ha in area.

Respectively, Para's 122 and 123 read:

- 1 Planning policies and decisions should support development that makes efficient use of land, taking into account:
 - a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

1 Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Although the initial figure of 31 dwellings was reached following pre-application discussions with the Council, the proposed development under 19/01493/OUT was subsequently reduced to 16 dwellings to take into account comments made by internal and external consultees to the Council, please the Landscape and Biodiversity Officer.

Given a second chance to respond to the proposal, now for 16 units, CPRE commented:

'The revised proposal for the site is based on reducing the number of houses by almost half. The land is outside the LBD and in the AONB. It is the view of CPRE that any such land sacrificed to housing, if unavoidable, must be used efficiently, both in terms of the density of housing and the provision of the top priority affordable housing. The revised proposal is completely inefficient in both terms. The overall density is almost halved – this means that to achieve the Borough's housing target another portion of land, almost equal to the developed area here and inevitably greenfield, will need to be sacrificed. This would be a shocking waste. The reduction of the number of affordable homes is also a serious weakness in the revised proposal. CPRE recognises that meeting the Borough's housing target requires some sacrifice of greenfield land. Urge TWBC in this and other cases to ensure that a density of at least 30-35 per hectare be achieved. This is perfectly achievable with the help of higher density of affordable housing.'

These comments represent a highly pragmatic approach by CPRE and one that should be supported by the Council. This is to say that the best way to protect the broader countryside, including the AONB, is to maximize and secure the efficient use of land, where there is a clear understanding that some greenfield land must be developed to deliver the required housing numbers imposed upon an area. Making efficient use of one parcel of land protects the need to develop another.

Following various iterations and negotiations, the developable area subject to 19/01493/OUT equated to less than half of the site, with the balance struck being that the need to protect both heritage and landscape features, as well as create a 'soft' entrance to the village, necessitated the developable area shrinking to the centre of the site.

Approximately 0.8ha of the total site area was proposed for development under 19/01493/OUT, and with a total of 16 units proposed, this equates to approximately 20 dwelling per hectare. The Officer's report for 19/01493/OUT calculates an even lower figure of 10.3 dwellings per hectare.

Notably, the proposed development that gained support from officers', but was subsequently rejected by the Committee, did not include the entire area currently shown as 'residential' within the draft Local Plan subject to this Regulation 19 Consultation.

In line with the comments from CPRE, and as identified within the supporting HIA and LVA submitted within this submission, it is considered more than possible that the site could accommodate a greater number of dwellings than 16, through both increasing the developable area to 1.ha (to include the south-west corner, but notable at a reduced density in line with the draft policy), and increasing the density. Even without a density increase, the site could accommodate 20 units on the area coloured for residential development on the draft plan. If the density were increased to fall in line with the lower end of the Council's target figure of 30-35 dwellings per hectare, the site allocation could be increased to 30 units. The initial submission demonstrated that this was more than possible, and feasible.

Given the above, Jarvis Homes and Kent Planning Consultancy are of the opinion that a reasonably achievable figure, taking into account the need to protect the AONB, landscape and local heritage, is 25-30 dwellings, and the allocation should be amended to reflect this, however, the current allocation numbers are considered reasonable if these can be taken as a minimum.

CONCLUSION

These representations to the Regulation 19 consultation on the draft Tunbridge Wells Borough Council Local Plan have been made in support of the continued allocation of site AL/SA 2.

Notwithstanding the recent refusal for 16 units on the site, it is considered clear that the site is more than capable of delivering in excess of the draft allocated unit numbers whilst also achieving the Council's broader strategic aims, of conserving landscape and heritage features in the surrounding area, namely the Area of Outstanding Natural Beauty and heritage features including the Sandhurst conservation area and nearly listed building and non-allocated heritage assets.

It has been demonstrated, through the submission of supplementary documentation including a new Heritage Impact Assessment, and the Landscape and Visual Assessment, that the site can be well contained, having minimum impact outside of the site itself.

Whilst Jarvis Homes and the Kent Planning Consultancy support the ambitious aims of Tunbridge Wells Borough Council to provide its own need when calculated using the Standard Methodology, it is considered paramount that the Council ensure that allocated sites provide the most efficient use of land, and aim for appropriate densities, to reduce any need to fall back on wind-fall provision, which is an unproven supply. As such, we have demonstrated that site AL/SA 2 is capable of providing, with absolutely minimal impact on landscape and heritage assets, and within the confines of the draft allocation itself, a provision of up to 30 units, and recommend that the allocation be redrafted to reflect this, although Jarvis Homes are happy to accept the current allocation if these can be taken as a minimum.

[TWBC: for full representation and appendices, please see supporting documents]

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.

Kent Planning Consultancy Ltd support the emerging Plan and consider it to be sound, legally compliant and that it meets the duty to cooperate.

This representation fully supports the current Site Allocation at Sharps Hill (Ref: AL/SA 2) and in support of the plan, Jarvis Homes and Kent Planning Consultancy, submit a Landscape & Visual Assessment ('LVA') (Oct 2020; Appended), and a Heritage Impact Assessment ('HIA') (Feb 2021; Appended) based on the existing quantum allocated, produced to demonstrate the continued 'suitability' of the site to accommodate the current housing allocation proposed and more. Kent Planning Consultancy Ltd considers there is an opportunity for an uplift on the current quantum of housing allocated for the Site, based on the supporting evidence submitted with this representation.

Please refer to the accompanying 'Representation to the Local Plan Regulation 19 Consultation' Report May 2021 for full details.

[TWBC: for full representation, please see supporting documents]

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

. No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Jean & Peter Jenner [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Jean & Peter Jenner [REDACTED]
Comment ID	PSLP_1123
Response Date	03/06/21 10:33
Consultation Point	Policy AL/RTW 16 Land to the west of Eridge Road at Spratsbrook Farm (View)
Status	Processed
Submission Type	Email
Version	0.4
Data inputter to enter their initials here	KH

Question 1

Respondent's Name and/or Organisation	Peter & Jean Jenner
---------------------------------------	---------------------

Question 3

To which part of the Local Plan does this representation 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

Please note: In your representation you should provide succinctly all the evidence and supporting information 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 fully support the representation made on 2 June 2021 by Noreen O'Meara on behalf of Residents Against Ramslye 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)?

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	Louise Jenner [REDACTED]
Email Address	[REDACTED]
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Louise Jenner [REDACTED]
Comment ID	PSLP_1417
Response Date	03/06/21 23:43
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood 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	Louise Jenner
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

I'm writing to object to the closure of heartlake road within your plan.

I'm a resident of north tonbridge with one child attending a local primary school Woodlands, a toddler attending family childcare in tudeley and my work location based in East Peckham. The road closure of heartlake road (which has occurred due to road works) would make my morning commute a nightmare. This journey due to school drop off and childcare drop off already takes approximately an 1 hour 15 mins. These plans never look outside the traditional commute to work of one person traveling to one point/place of work.

With all the additional traffic pushed towards the town of Tonbridge my commute to work would take so much more additional time it would be impossible to complete my employment role before collecting my children. Many residents including myself work in local villages these roads enable us to get to work as there is such limited transportation outside of the main town.

Road traffic plans always look to push residents into walking or using public transport. However this isn't viable. The public transport outside of the town is very poor, there are limited if not no footpaths which would be extremely dangerous with multiple children.

The closure of this road would cause a huge impact to residents of local villages who use these roads for all domestic and social purposes. Local village businesses would lose passing customers/trade and possibly employees.

I wish to be kept updated on this matter.

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

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_32

Comment

Agent	Mr David Bedford [REDACTED]
Email Address	[REDACTED]
Company / Organisation	DHA Planning Ltd
Address	Eclipse House Eclipse Park MAIDSTONE ME14 3EN
Consultee	Mr N Wickham [REDACTED]
Email Address	[REDACTED]
Company / Organisation	John Wickham (Cranbrook) Ltd
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Wickham (Cranbrook) Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_500
Response Date	26/05/21 09:24
Consultation Point	Section 3: Vision and Objectives (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_500-502_DHA Planning for N Wickham.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr N Wickham
Question 2	
Agent's Name and Organisation (if applicable)	DHA

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Section 3: Vision and Objectives

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

Please note: In your representation you should provide succinctly all the evidence and supporting information 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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1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr N Wickham in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation. Mr Wickham is a local landowner with various interests, including land at Gate Farm, Hartley which is within the control of Fernham Homes.

1.2 Background

1.2.1 Tunbridge Wells Borough Council (TWBC) has produced a new Local Plan to guide future development within the borough. As the Council is now satisfied that it has a sound plan it proposes to submit the plan for Independent Examination following completion of this final round of consultation.

1.2.2 Once submitted, the Local Plan will be examined by an Inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In this regard, the Government published a revised NPPF in February 2019, which provides that to be "sound" a local plan must be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

1.2.3 This submission comments on the plan having regard to these tests of soundness as well as wider legal compliance.

1.3 Wider Assessment of Soundness

1.3.1 The TWBC Draft Local Plan (herein referred to as 'the plan') sets out the spatial vision, strategic objectives, and overarching development strategy for the borough. It details overarching place shaping policies for each parish and settlement, as well as site specific allocations to deliver the strategy and detailed policies to be applied to all new development.

1.3.2 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.

1.3.3 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

1.3.4 The pre-submission plan is underpinned by vision and strategic objectives.

1.3.5 The vision is set out below:

'Growth in new homes, jobs, and supporting infrastructure will be achieved over the plan period in a manner that respects the distinctive qualities of the borough. The Council will work with stakeholders to maintain and improve overall living standards and access to employment, leisure, and cultural opportunities for all the borough's residents. In particular, the Council will improve access to suitable, especially affordable, housing, including for local young people and older households, and will develop the borough's economic strengths and range of accessible job opportunities. Important local services, infrastructure, and amenities will be retained and, where necessary, improved, in line with community needs. Development should help achieve the Council's goal of carbon neutrality for the borough by 2030. It should also help to conserve and enhance the borough's recognised heritage and environmental assets. All development should be of high-quality design that respects local identity and character. Local ambitions are: • for Royal Tunbridge Wells and Southborough, to maintain their role as the main urban area, with a mix of housing, employment, leisure, and cultural developments, including by making effective use of urban land, whilst protecting their respective distinctive natural and built environmental qualities;*

• for Paddock Wood, to provide for comprehensive planned strategic growth (including on land in east Capel parish) that is fully aligned with timely infrastructure provision and which delivers significant improvements in local employment, town centre, leisure and other services/community facilities commensurate with its enhanced role, as well as ensuring that it is not vulnerable to flooding; • for a garden settlement, to establish the potential for a new village to contribute to sustainable growth, that is: based on garden settlement principles; comprehensively planned and reflecting local character; well connected with nearby towns; providing local job opportunities, services and all necessary supporting infrastructure; with exemplary development of sustainable design; • for other settlements, to retain their essential local character, with high-quality sustainable development that reflects their environmental context, infrastructure, and site circumstances, having due regard to local needs; • for the countryside, to retain its landscape, biodiversity, and historic character for its own sake, as well as a setting for settlements, whilst supporting sympathetic rural enterprise'.

1.3.6 In order to deliver the vision the plan sets a number of strategic objectives:

(1) To ensure sustainable development that contributes to both meeting housing, economic, and social needs and to conserving and enhancing the highly valued environmental qualities and amenities of the borough; (2) To significantly boost the supply of affordable housing and ensure suitable housing for all sections of the population; (3) To establish the role that garden settlements can make to the future delivery of development in the borough and to ensure such proposals create very high-quality living environments; (4) To promote high-quality and well-designed development that contributes to the local identity and character and creates attractive environments; (5) To achieve the timely delivery of all forms of infrastructure that meets the needs of development and supports the vitality of communities; (6) To ensure good, safe access to jobs and services, with priority to active travel and public transport, as well as embracing new technology; (7) To ensure that the borough is vibrant, culturally rich, and economically buoyant;

(8) To conserve and enhance the valued historic, built, and natural environments of the borough, including the High Weald Area of Outstanding Natural Beauty, and to achieve net gains for nature; (9) To ensure that the Green Belt continues to meet its purposes, only releasing land where strict tests

are met;(10) To support the goal to make the borough carbon neutral by 2030, and minimise the impact of climate change on communities, the economy, and the environment;(11) To work with local communities to secure sustainable development to meet local needs, with due regard to neighbourhood plans where appropriate.

1.3.7 Response

1.3.8 We broadly support the general thrust of the vision and these objectives, which seek to meet identified housing needs and boost the supply of new affordable homes. However, the vision and objectives could be more positive and set a framework whereby suitable development opportunities are actively embraced. As drafted, the message is clear that meeting need is somewhat enforced.

1.3.9 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 boroughwide needs will actively be persuade in full and in a manner that best compliments the distinctive qualities of the borough'.

1.3.10 We consider that objective 2 should be modified to read:

'To significantly boost the supply of all forms of housing to meet the full needs of our population, with particular emphasis on affordable housing'

1.3.11 With the above modifications, the objectives and vision will then be positively prepared.

Question 6

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Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Question 5 above. (Please note that non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

1.3.7 Response

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Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_32

Comment

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Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Wickham (Cranbrook) Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_501
Response Date	26/05/21 09:24
Consultation Point	Policy STR 1 The Development Strategy (View)
Status	Processed
Submission Type	Email
Version	0.10
Files	PSLP_500-502_DHA Planning for N Wickham.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr N Wickham
Question 2	
Agent's Name and Organisation (if applicable)	DHA

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR 1 The Development Strategy

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Development Strategy and Strategic Policies (Policy STR1)

1.3.12 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.

1.3.13 In terms of the amount of housing, paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. Further, to determine the number of homes needed, strategic policies should be informed by a local housing needs assessment conducted using the standard method in national planning guidance – unless exceptional circumstances trends and market signals.

1.3.14 The Council confirm that their housing need target for the plan period to 2038 is 12,200 dwellings (678 dwellings per annum), which is calculated using the Government's standard method and the 2014-based household projections. We support this approach.

1.3.15 In terms of the different supply components, the Council consider that the Local Plan must (as a minimum) include additional allocations to accommodate 6,945 homes. This figure was formulated

taking into account; extant planning permissions (3,313); Windfall allowances (1,670); and outstanding site allocations (276).

1.3.16 At Regulation 18 the Council subsequently applied a 10% non-delivery rate to these figures to err on the side of caution. This is not referenced within the Regulation 19 version as such requires clarification and potential modification if this provision has not been carried forward to the pre-submission plan.

[TWBC: for copy of Local Plan Figure 5 Key Diagram see full representation attached].

1.3.17 In terms of how these needs will be met, policy ST1 sets the development strategy and states:

[TWBC: PSLP Policy STR1 has been duplicated here - see full representation attached]

1.3.18 By way of justification, the Council state that The Draft Local Plan consultation concluded that, having seized all reasonable opportunities for growth 'across the board', meeting the housing need can only be met if the development strategy includes the strategic growth of certain settlements. However, it goes on to state that it is evident from site assessment work that there is very little scope for adding much in the way of further housing numbers to the rural settlements. Indeed, in some cases, the scale of major developments in the AONB have been found to be unacceptably great.

1.3.19 Paddock Wood is said to be a logical choice for strategic growth for a number of reasons; being an existing service and employment centre, having a central railway station and main road links, giving wider accessibility.

1.3.20 Tudeley Village is acknowledged to involve the loss of a large area of Green Belt but this is justified because it is outside the AONB, is well located in terms of accessibility to nearby towns, would be of a scale that supports a good range of services, and can be planned in a holistic, comprehensive manner.

1.3.21 The full proposed distribution of development is set out below.

[TWBC: for copy of Local Plan Table 4 Distribution of housing allocations see full representation attached].

Response

1.3.22 We agree that TWBC is capable of meeting its need in full and support this approach to plan-making. However, given its role in failing to fulfil the duty to cooperate with its West Kent Neighbours, we consider the review process should cease and a cohesive and coordinated approach be progressed with the relevant surrounding authorities. Failing to work with the West Kent Authorities represents a rejection of any form of genuinely strategic thinking and planning and opportunities to meet the full needs of the housing market area is likely to be lost. By not assisting in this process the plan is not positively prepared, is not justified and is therefore not sound or legally compliant.

1.3.23 We broadly support the general thrust of the development strategy, which proposes a strategy to meet the housing needs of the borough with a dispersed growth approach. Nonetheless, we have concerns regarding the deliverability of the strategy. The Council's Housing Trajectory Topic Paper states that for Tudeley Village (STR/SS 3), it is proposed that for the first 10 years of delivery from 2025/26, 150 units are expected per annum, increasing to 200 per annum during the years after. For the plan period, 2,100 homes are allowed for.

1.3.24 Based on this statement, we say that the proposed trajectory is potentially over optimistic and the assumption that a new village is likely to be found to be acceptable via the examination process, be masterplanned, obtain planning consent, deliver key infrastructure and to commence delivering 150 dwellings per annum from the period 2025/26 is wholly unrealistic.

1.3.25 In this regard, we would draw attention back to the 2016 document published by Nathaniel Lichfield's and Partners (NLP) - 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver', which provides evidence pertaining to the speed and rate of delivery of large-scale housing, based on a large number of sites across England and Wales. It identifies that the average lead in time for the submission of a planning application is 3.9 years, from the date the site is first identified. In terms of the planning approval period, for larger scale sites (2,000 + homes) this is circa 6 years. After planning permission is granted, larger sites start to deliver within a year and the average build out rate thereafter is 161 dwellings per annum, although it can be as high as 301 dwellings per annum.

1.3.26 On the basis of this research, if the Local plan is adopted by 2022, planning permission approved by 2024 and delivery commences within 6 years (2030), the likely deliver for the plan period would be significantly less than envisaged by the Council.

1.3.27 Taking the above into account, our view is that the Council have applied overly optimistic development trajectory for the delivery of strategic sites, both in terms of the start date for completions and the expected build out rates.

1.3.28 Given the absence of any similar scale strategic sites in Tunbridge Wells Borough as a point of comparison, one could have regard to similar scale delivery in neighbouring authority Tonbridge and Malling Borough. In this respect, we provide evidence below of its three key strategic sites and the associated delivery rates (derived from the Tonbridge and Malling BV Annual Monitoring Report).

1.3.29 Kings Hill is an extremely prudent example to consider in the context of the Paddock wood extension and new garden village at Tudeley, how deliverable this would be. Indeed, Kings Hill was a new village started in 1989 near land previously occupied by RAF West Malling. The concept was for a multipurpose site of both residential and office business space. The development is still being delivered some 30 years later, despite having multiple national housebuilders delivering different phases concurrently. Based on the most up-to-date delivery data for the last decade, Kings Hill has only delivered 131 dwellings per annum, despite being a highly desirable location and multiple developers delivering concurrently. Furthermore, the earlier delivery phases we delivered at lower rates given the need to front load infrastructure.

1.3.30 Therefore, we consider that whilst some development may come forward in the plan period from the two proposed strategic sites, in reality these strategic allocations are longer terms aspirations that will extend beyond 2038.

1.3.31 Having regard to paragraph 11 of the NPPF, plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

1.3.32 The over reliance upon Tudeley Garden Village is such that if it is not delivered as planned there is no flexibility to address any resulting shortfall in housing. Accordingly, the plan is unsound on the basis it conflicts with paragraph 11 and lacks sufficient strategic flexibility.

1.3.33 Notwithstanding our objection, the over reliance of the site within the trajectory need not be fatal. In order to remedy it, we consider that any delivery from Tudeley should be assumed to come forward in the next plan period, once there is a greater degree of certainty that the scheme will be progressed and is acceptable from a Green Belt perspective. In the intervening time, further sites should be added to offset the loss of the housing relied upon from Tudeley.

1.3.34 In respect of the wider, strategy, we support the general principle of proportionately spreading the benefits of growth. Adopting a pattern of dispersed growth approach would allow a number of sites to be developed at the same time, serving different segments of the local housing market, which is preferable to saturation of the market in a single area. Nonetheless, we do not accept the Council's conclusion that there is very little scope for adding much in the way of further housing numbers to the rural settlements. To the contrary, the objective of the planning system is to deliver the right homes in the right locations.

1.3.35 As the borough is covered by more than 60% AONB designation, it is clear that a vast number of its residents wish to live in a village setting and within the eastern aspect of the borough. As such, the needs of these people must be met in the most sustainable manner possible. It is not reasonable to assume that residents in these areas, and those that cannot afford their own homes, wish to be displaced to the more built up non-Green Belt areas nor to congregate in the Paddock Wood/Tudeley corridor.

1.3.36 Indeed, it can be seen by the Core Diagram that the proposed strategy is to direct development to the west of the borough with far more limited growth to the east.

1.3.37 Accordingly, we would encourage the Council to increase the balance of small and medium sized sites to the eastern of the borough that can deliver quickly and require limited intervention or major infrastructure.

Green Belt vs AONB Release

1.3.38 Policy SRT9 sets out that exceptional circumstances justify the proposed release of Green Belt land for development.

1.3.39 We broadly support this conclusion and agree that some greenfield Green Belt release is needed to meet housing need in the areas of the borough affected by that designation. However, we disagree with the scale of Green Belt release as an alternative to sensitive redevelopment of AONB land.

1.3.40 The Council's unmet housing need is sufficient to amount to exceptional circumstance to justify a review of Green Belt boundaries. Indeed, this approach has been endorsed by the Court in the Hunston High Court judgment in St Albans where judge stated:

'Having identified the full objectively assessed needs figure the decision maker must then consider the impact of the other policies set out in the NPPF. The Green Belt policy is not an outright prohibition on development in the Green Belt. Rather it is a prohibition on inappropriate development in the absence of very special circumstances. It is entirely circular to argue that there are no very special circumstances based on objectively assessed but unfulfilled need that can justify development in the Green Belt by reference to a figure that has been arrived at under a revoked policy which was arrived at taking account of the need to avoid development in the Green Belt.'

1.3.41 It should also be noted that neighbouring authorities such as Sevenoaks, Tonbridge and Malling and Tandridge are all instigating Green Belt reviews based on need being the driver of Exceptional Circumstances.

1.3.42 However, as set out above, we are concerned with the Council's approach to the scale of the Green Belt release vs that of AONB land.

1.3.43 From a Green Belt context, *Calverton Parish Council v Nottingham City Council, Broxtowe Borough Council and Gedling Borough Council* [2015] EWHC 1078 (Admin)) provides very clear guidelines for determining whether exceptional circumstances exist.

'planning judgments involved in the ascertainment of exceptional circumstances in the context of both national policy and the positive obligation located in section 39(2) should, at least ideally, identify and then grapple with the following matters: (i) the acuteness/intensity of the objectively assessed need (matters of degree may be important); (ii) the inherent constraints on supply/availability of land prima facie suitable for sustainable development; (iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt; (iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed); and (v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent'.

1.3.44 Considering these parameters, the acuteness of the local housing need is clear. The Council's housing need (12,200 for the plan period) is more than four times double of that previously been required (6,000 between 2006 and 2026) and many urban sites have been depleted since the last plan review. However, it must also be recognised that only 22% of borough lies within the Metropolitan Green Belt and so it is distinctly possible to channel much of the development beyond this designated area.

1.3.45 In respect of the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced, this is to be judged on a site by site basis and small scale release can be mitigated with relative ease given many have limited role in fulfilling the requirements of the Green Belt. However, the same cannot be said of a new settlement within the Green Belt whereby the impact by way of loss of openness would be substantial.

1.3.46 Taking the above into consideration, it is our view that the Calverton judgement sets out very clear parameters for assessing whether Exceptional Circumstances exist and that a sound case could be made for releasing some Green Belt land in line with NPPF guidance. However, we do not consider the evidence exists to justify the scale currently proposed within the plan, at least not until all reasonable alternatives have been assessed.

1.3.47 When dealing with AONBs, paragraph 172 of the NPPF states that great weight should be given to conserving landscape and scenic beauty. It goes on to state that planning permission should be refused for major developments in AONB areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

1.3.48 Consideration of such major applications should include an assessment of:

(1) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;(2) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and(3) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

1.3.49 It is important to stress that footnote 55 of the NPPF is clear that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The term has no direct correlation with the definitions set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.3.50 The above being the case, we believe that the housing currently being pursued on Green Belt land at Tudeley could potentially be disbursed across the wider extent of the non-Green Belt areas of the borough in a manner that is not major development and thus not requiring an exceptional circumstance test to be met.

1.3.51 Turning to the requirements of paragraph 172, there is an overriding and growing housing need within the Borough. The Council's SHMA findings initially identified the future need to plan for some 678 new homes per year. In addition to the need moving forward, the previous difficulties in keeping pace with delivery has resulted in a need to accommodate a significant number of dwellings in the short term with a deficit in five year supply.

1.3.52 With respect to the cost of, and scope for, developing elsewhere, we recognise that Tunbridge Wells is a constrained borough. There are a number of archaeological and heritage sites, including 45 Historic Parks and Gardens, 25 Conservation Areas and 11 Scheduled Ancient Monuments. In addition, there are approximately 3,000 Listed Buildings.

1.3.53 The landscape of the High Weald AONB contains numerous historic landscape features, including field patterns, settlements and ancient woodland, whilst the borough also hosts a number of, or is close to, areas of ecological importance. These include:

Ancient Woodland (approximately 16% of the borough) Circa 60 Local Wildlife Sites (approximately 11% of the borough) Ten Sites of Special Scientific Interest (SSSI) Five Local Nature Reserves (including one Community Woodland) One Regionally Important Geological Site, at Scotney Castle Quarry.

1.3.54 The nearby Ashdown Forest is a designated Special Area of Conservation (SAC) and Special Protection Area (SPA).

1.3.55 Although not an environmental constraint, the Metropolitan Green Belt covers 22% of Tunbridge Wells borough.

1.3.56 Given the above constraints, it is acknowledged that planning for housing requires the need to balance a number of core environmental and planning matters in order to reach a sensitive future development strategy. However, there is no doubt that the threshold for there being a need to develop in the Green Belt and AONB is patently met and with every development comes an opportunity to moderate the effects of development, including substantial areas of landscaping and associated ecological and heritage buffers and the opportunity to increase public access to the land.

1.3.57 Ultimately it is our view that the Council has wrongly taken the AONB designation and treated it as a 'higher bar' or more significant constraint to development than Green Belt. We consider this approach to be wrong and inconsistent with the NPPF.

1.3.58 As a fundamental principle of planning, there is no barrier to development within AONB. It is a landscape designation and indeed much of the AONB is characterised by built up areas, including villages and towns such as Matfield, Hawkhurst and Cranbrook that are washed over by the designation. In planning terms it is entirely possible to develop within, or adjacent to these (and other AONB) settlements and have development sensitively integrate within the protected landscape. In contrast, Green Belt is an absolute constraint and exists to fulfil a strategic planning role. Once encroachment occurs, of any scale or quality, permanent harm is caused.

1.3.59 The NPPF tells us that the Government attaches great importance to Green Belts and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. In releasing

land within the Green Belt the ability to mitigate the impact does not exist in the same manner as it does within the AONB.

1.3.60 The above context in mind, whilst we support a level of Green Belt release, we object to the soundness of the Council's plan on the assumption that Green Belt has been treated as a lesser constraint than the AONB area of the borough. This assumption has dictated the entire growth strategy and renders the strategy inconsistent with the NPPF, not justified and not positively planned.

1.3.61 The over estimation of harm to the AONB, and under estimation of the strategic impact of Green Belt release, is such that this matter can only be addressed through main modification and the redistribution of some of the proposed growth.

1.3.62 Finally, it is important to address that demographically the eastern AONB extent of the borough, characterised by rural villages, represents some of the most affluent part of the borough. Accordingly, there is a risk that the strategy as drafted seeks to concentrate development to the more deprived areas so as to preserve the status quo in the more affluent villages.

Housing Delivery

1.3.63 It is widely acknowledged that there is a housing crisis in this country, which has arisen as a direct consequence of too few houses being built to keep pace with a growing population. Accordingly, the Government has repeatedly indicated that 300,000 additional homes per year should be constructed.

1.3.64 It is evidence that the LPA has fallen a long way behind the required rate of delivery in the years since the NPPF was published. Indeed, the LPA's average annual housing delivery for the period 2016 to 2020 is 506 dwellings per annum, resulting in a deficit that is increasing by circa 172 dwellings per annum. Whilst the draft plan seeks to bridge this gap in delivery, we remain concerned about where a consistent level of delivery is likely to be achievable based on the pre-submission draft and the close repetition of the current Core Strategy.

1.3.65 The current Core Strategy pre-dates the publication of the NPPF, published in March 2012. The effectiveness of the strategy was in question long before this date and there is an evidenced legacy of failure of the Core Strategy that is unrelated to the introduction of the need to plan for the full objectively assessed development needs of the area.

1.3.66 Indeed, as outlined within the table below, for the immediate five years since adoption of the Core Strategy in 2010, the LPA achieved only 829 new homes against a target of 1,500 dwellings. This amounts to just 166 dwellings per annum for the initial five year plan period.

[TWBC: for table showing housing completion rates 2010 to 2015 see full representation attached].

1.3.67 Based on this evidence, the persistent failure of the Core Strategy began long prior to the introduction of housing targets set by the SHMA and Standard Methodology. As a consequence, mirroring the early strategy with a stringent restriction of development beyond the established limits to built development is likely to result in a similar failure. Instead, a mechanism is needed to ensure that a consistent level of housing can be brought forward at all times to ensure the new plan is sufficiently flexible.

1.3.68 Turning to the context following the publication of the standard methodology, the LPA's delivery rate between 2015 and 2020 has improved slightly, but not to a level that meets the recognised needs of the area. The LPA achieved 2,473 new homes against a target of 3,360 dwellings. This amounts to just 495 dwellings per annum for the five year period and a reduction on the previous five year rate.

[TWBC: for table showing housing completion rates 2015 to 2020 (statement of common ground) see full representation attached with table note as follows: 1 The completions data for 2019/20 is yet to be formally published until the next Authority Monitoring Report 2020 is complete. However, the number of confirmed housing completions has been provided by the LPA as 474 for this latest monitoring year.]

1.3.69 The recently published Housing Delivery Test (January 2021) results also confirm the need for the LPA to prepare a further action plan to demonstrate how delivery will be addressed moving forward.

1.3.70 In summary, there is a historic legacy of under delivery over the last decade and even with the preparation of the pre-submission plan, past delivery rates provide compelling evidence that the Core Strategy has never been effective in delivering housing at the rates needed to meet the needs of borough residents and that a far more significant buffer or contingency is needed if the new plan is to be effective.

Maintaining a Five Year Housing Land Supply

1.3.71 The continued need to deliver more houses is reflected within the NPPF. In particular, paragraph 11 reiterates the presumption in favour of sustainable development and that plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change. Furthermore, strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas.

1.3.72 The NPPF requires Local Planning Authorities to ensure that their Local Plan meets the full needs for market and affordable housing. Policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot show a robust five year supply of housing land and cannot fulfil the requirements of the Government's Housing Delivery Test.

1.3.73 It is common ground that the LPA is not currently able to demonstrate a robust five year housing land supply pending the outcome of the development plan review process. Indeed, based on the latest published update is agreed that the Tunbridge Wells Borough Council Five-Year Housing Land Supply Statement 2019/2020 (September 2020) that the supply to be 4.83 years, an improvement on the 4.69 years published for the period 2018/2019.

1.3.74 Nonetheless, we would express our caution in accepting there has been a material improvement in position over the last monitoring year and that the Council is close to achieving a robust supply of land. Published data shows that within the latest monitoring year the annual housing delivery target was missed by 204 units and the published supply only increased by 82 homes. As such, the overall supply context actually worsened by 122 homes. Indeed, the projected supply is a single unit more than it was when the 2017/18 updated position was published suggesting little genuine progress in increasing the supply of land.

[TWBC: for table showing information extracted from the LPA's published supply statements see full representation attached].

1.3.75 Based upon the evidence, the Council's supply position appears much more robust than it really is owing to the repeated resetting of the base date upon which the five year supply calculation is based. The justification for this is the Standard Method takes into account previous delivery so there is no need to separately address any previous under-supply.

1.3.76 Whilst we do not challenge the fact that guidance permits this, the underlying effect of resetting the base date is to disguise a worsening situation as an improvement. This allied with a persistent failure to meet historic targets means that there must be a clear basis for assuming that adoption of the pre-submission Local Plan will result in an immediate step change in decision making and delivery therefore the plan fails the test of being both positively prepared and effective. Affordable Housing Need 1.3.77 There is a chronic affordable housing need within the Borough. In this respect, The LPA's SHMA (2015) finds that the borough would need 341 affordable homes per annum to meet their housing needs. 1.3.78 The more recent Housing Needs Study (2018) prepared to accompany work on the pre-submission Local Plan, further assessed affordable requirements by taking into account the need from existing and newly-forming households within sub-areas of the borough of Tunbridge Wells, and comparing this with the supply of affordable housing. This assessment reveals that there is a net annual imbalance of 443 affordable dwellings across the Borough.

1.3.79 The LPA's Local Plan Housing Need Assessment Topic Paper (2019) concludes that the corrected affordable housing need over a 15-year period is actually 391 dwellings/year.

1.3.80 In terms of past delivery, Table 26 of the Annual Monitoring Report 2018/19 outlines the completion rates for affordable units, with an annual average delivery rate of just 82.5 affordable units per annum for the period 2006 to 2019.

1.3.81 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.3.82 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.4.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.4.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.4.6 Having regard to the above, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

1.4.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Mr N Wickham in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

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.

1.3.81 Based on this context, immediate delivery of onsite affordable housing is a significant benefit that should weigh heavily in devising a new strategy. In this regard, the absence of a cogent strategy for a new garden village places grave uncertainty as to whether it can deliver at the same rate as non-strategic sites. Even if it would, there is likely to be a long delay with any affordable being delivered towards the back end of this current plan period. In the context, the plan fails to put in place a robust strategy to meet affordable need and is therefore ineffective, not justified and inconsistent with National Planning Policy.

1.3.82 This being the case, removing the reliance of delivery of Tudeley Garden Village in this plan period, and supplementing the plan with genuinely deliverable sites, capable of providing affordable housing, would be an appropriate remedy.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Supporting Information File Ref No: SI_32

Comment

Agent	Mr David Bedford [REDACTED]
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Consultee	Mr N Wickham [REDACTED]
Email Address	[REDACTED]
Company / Organisation	John Wickham (Cranbrook) Ltd
Address	[REDACTED] [REDACTED] CRANBROOK [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	John Wickham (Cranbrook) Ltd [REDACTED] [REDACTED]
Comment ID	PSLP_502
Response Date	26/05/21 09:24
Consultation Point	Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish (View)
Status	Processed
Submission Type	Email
Version	0.6
Files	PSLP_500-502_DHA Planning for N Wickham.pdf
Data inputter to enter their initials here	KJ
Question 1	
Respondent's Name and/or Organisation	Mr N Wickham
Question 2	
Agent's Name and Organisation (if applicable)	DHA

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/CRS 1 The Strategy for Cranbrook and Sissinghurst parish

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to cooperate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to cooperate, please also use this box to set out your comments.

[TWBC: this part of the response has been separated from the full response submitted by DHA Planning. See full representation attached. See also PSLP_500 (Vision and Objectives), PSLP_501 (Section 4: Policy STR1 - the Development Strategy and PSLP_502 - Section 5: Cranbrook & Sissinghurst Policy STR/CRS1: The Strategy for Cranbrook & Sissinghurst parish].

1.1 Introduction

1.1.1 These representations have been prepared by DHA Planning on behalf of Mr N Wickham in respect of the Tunbridge Wells Borough Council Regulation 19 Local Plan consultation. Mr Wickham is a local landowner with various interests, including land at Gate Farm, Hartley which is within the control of Fernham Homes.

Place Shaping Policies

1.3.83 The place shaping policies establish the spatial priorities for different areas in the borough, organised according to non-parish and parish areas. For each area, there is an overarching policy that development should adhere to and details are provided for individual allocated sites that will deliver the quantum of development proposed. The site-specific allocations provide both strategic and development management guidance.

1.3.84 Policy STR/CR1 sets the proposed strategy for Cranbrook and Sissinghurst parish and states that Approximately 415 to 429 net new dwellings will be allocated. This represents a substantial reduction on the 718-803 new dwellings that were proposed as part of the Regulation 18 plan. Furthermore, the draft allocations for Hartley have been removed in their entirety.

[TWBC: for extract of proposed proposal map for Cranbrook see full representation attached].

1.3.85 Based on the above context, the place shaping aspects of the strategy are unsound and require modification, including the redistribution of housing proposed at Tudeley to genuinely deliverable sites in sustainable locations such as Hartley and Cranbrook.

1.4 Legal Compliance

1.4.1 In terms of legal compliance, the main requirements for the early stages of Local Plan consultation are in relation to:

- planning for community engagement;
- the sustainability appraisal (including consultation with the statutory environment consultation bodies);
- identifying significant cross boundary and inter-authority issues; and
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

1.4.2 The Council has undertaken public consultation at various stages. Furthermore, it has liaised with the development industry via Agents Forums and as such we raise no objection to this aspect of legal compliance.

1.4.3 From a wider perspective, and having regard to the duty to cooperate, there is grave concern in respect of the degree of cross boundary working and the extent to which Tunbridge Wells Borough has genuinely sought to assist with unmet housing need arising from neighbouring authorities. Indeed, the Sevenoaks, Tonbridge and Malling and Wealden Local Plans have all recently failed to pass through independent examination because of inadequate efforts to work collectively. Given these failures, it is difficult to conclude that Tunbridge Wells Borough Council should be absolved of similar criticisms.

1.4.4 Indeed, within the Duty to Cooperate Topic Paper the Council confirms that it relies upon the Statements of Common Ground (SOCG) agreed with Sevenoaks DC in May 2019, yet this agreement was deemed inadequate for Sevenoaks to have properly discharged its duty to cooperate. It was seen as too little too late.

1.4.5 The topic paper then states that an updated SoCG between TWBC and SDC is currently being prepared, but is delayed due to ongoing legal action by SDC following an adverse decision by the High Court (note this was Court of Appeal) in relation to its own Local Plan. That Court of Appeal judgement has now been handed down and reinforces the failure to discharge the duty.

1.4.6 Having regard to the above, we are concerned about the degree to which the Council has complied with the statutory framework for preparing a new plan, albeit we will reserve our position on this matter until all final consultation documentation and statements of common ground have been published.

1.4.7 In any event, the deletion of a vast number of suitable sites at the Regulation 19 stage would suggest that there are opportunities to meet the needs of the adjacent and potentially more constrained neighbours and that this is a matter that should be address via the plan making process, collectively with the West Kent neighbouring authorities, rather than Tunbridge Wells proceeding ahead in isolation.

1.5 Summary and Conclusions

1.5.1 In summary, this representation has been prepared on behalf of Mr N Wickham in response to the Tunbridge Wells Borough Council Pre-submission Local Plan Consultation. The purpose being to provide comment on the Council's proposed development strategy ahead of Examination.

1.5.2 We support the aspiration to meet housing need in full and consider that a dispersed growth strategy represents the optimum means to achieve this. Nonetheless, we object to reduced growth promoted around Cranbrook and Hartley.

1.5.3 Finally, we consider that the Local Plan strategy relies heavily on the delivery of strategic sites that would require the provision of supporting infrastructure. Moreover, the Council have applied overly optimistic projections to the delivery of housing for the extension of Paddock Wood and the Tudeley Garden Village.

1.5.4 In our view, further small to medium sites are needed to remedy these matters or soundness and such additional sites should be directed to sustainable locations such as Cranbrook and Hartley.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

Comment

Consultee	Alec Johnson [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Alec Johnson [REDACTED]
Comment ID	PSLP_698
Response Date	31/05/21 09:40
Consultation Point	Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Alec Johnson
Question 3	
To which part of the Local Plan does this representation relate?	Paragraph(s)
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
5.91, 5.92, 5.93, 5.94	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because: . It is not effective

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.

5.91 Existing vehicular access to the site is directly from the A26 Eridge Road to the south east corner of the site, close to the bend in the Eridge Road. The Spa Valley Railway Line is located south of the site, including a bridge that crosses the Eridge Road just south of the site access. The existing access from the site onto the Eridge Road is already dangerous with a steep slope onto a busy bend with restricted visibility. The proposed development will add considerably to the traffic using this access road and so will represent a much greater risk of accident.

There is no pedestrian footpath on the garden centre side of the Eridge Road and so the pedestrians from the houses on the development going into town will need to cross a busy road on a dangerous bend.

5.92 The site was released from the Green Belt, and the Development Strategy Topic Paper and Green Belt studies set out the exceptional circumstances and compensatory improvements to the remaining Green Belt to justify the changes to the boundary in this location. What to date have been the compensatory improvements to the remaining Green Belt?

The 2019 Plan describes the site as being part of a Biodiversity Opportunity Area where any development should demonstrate net gains for nature and biodiversity. Reference was also made to the DEFRA "MAGIC" website which described the area as suitable as woodpasture and parkland. Both these descriptions have been removed from the current plan.

5.93 It lies adjacent to the Royal Tunbridge Wells Conservation Area and to Tunbridge Wells Common, which is a designated Local Wildlife Site. Part of the site is also covered by the Environment Agency's Flood Zone 3.

River Grom flooding Report 2017 (Currently Correct /Relevant unless structural changes have been made)– Ref pages 7-9 Extracts:(page 7 – 2.3 para 4)To the south and east of The Pantiles, much of the area has separate surface water and foul water drainage. The surface water sewers generally discharge to watercourses which ultimately flow into the River Grom.(Page 9 – 2.4.1 para 3).... There is a Combined Sewer Overflow (CSO) from the public combined sewer in the culverted section of the River Grom that allows the combined sewer in the Pantiles area of Tunbridge Wells to discharge into it if its capacity is exceeded.

The development is in a river valley. Under present conditions High Rocks Lane regularly floods as the point where it meets Hungershall Park (and where it is presumed the proposed "emergency exit" will be for the development). As a result the road is always in a poor condition with potholes that reappear quickly after frequent repairs. The road at this point is a blind bend with no footpath so pedestrians and cyclists often veer across the roadway to avoid the potholes and create a real danger of accidents to oncoming vehicles. This situation will only get worse once a large area of the valley floor is concreted over as a result of the development.

It was recently noticed by local residents that the site currently suffers from a sewage problem. A large manhole cover had been dislodged and was surrounded by household waste which had obviously been forced out. It is hoped that this would be resolved as part of the development, especially as the

River Grom is in close proximity and there is a seasonal flooding issue in that area, as referred to above in the 2017 flooding report.

5.94 *Development would need to be sensitively designed to respect the location in proximity to the Common, the conservation area, and the topography of the site. However, it constitutes a sustainable site on the edge of the town centre and could accommodate a mix of uses, to include the retention/expansion of the existing garden centre business and the introduction of some residential development within the site. However, Kent County Council, as the local highways authority, considers that the scale of development on the site may be limited due to the current access constraints. 108 Tunbridge Wells Borough Local Plan Regulation 19 Consultation Pre-Submission Local Plan Map 14 Site Layout Plan*

Policy AL/RTW 14 Land at Tunbridge Wells Garden Centre This site, as defined on the Royal Tunbridge Wells Policies Map, is allocated for the expansion of the existing Use Class E (a) commercial use (garden centre) with an element of residential of approximately 25-30 residential dwellings, of which 30 percent shall be affordable housing. Development on the site shall accord with the following requirements:

- 1 *Means of access, including secondary and emergency means of access, to be informed by a transport statement; it is likely that the scale of any development may be limited by the quality of access arrangements that can be achieved within the confines of the site. An emergency access is likely to be required to the north;*

Planning consents often require provision of social/affordable housing under Section 106 Agreements, but invariably the developer comes back to the local authority later and pleads that it renders the scheme unviable. The 30% (eg) then falls away to 10% or less. The infrastructure requirements on this site will render development especially expensive. The contribution this site could make to meeting housing need is negligible.

Previous planning for access - Refused(89/02011/FUL | New vehicular access. New gate and 1.8m high chain link boundary fence | Wyevale Garden Centre Eridge Road Royal Tunbridge Wells Kent TN4 8HP (midkent.gov.uk)) Ref. No: 89/02011/FUL | Received: Tue 07 Nov 1989 | Validated: Thu 14 Jun 1990 | Status: Decided Council Letter 1990 - Extracts detailing the Refusal reasons:1 a) The proposed access would be likely to create unacceptable additional hazard to traffic.2 a) The sight lines are inadequate and would create unacceptable additional hazards to traffic3 a) The proposal would be undesirable in an area which is predominately rural in character, and would be detrimental both to the appearance and to the rural amenities of the locality.4 a) The proposal would be likely to be unacceptably detrimental to residential amenities of adjacent dwellings

The only change since 1990 is higher volumes of traffic on High Rocks Lane and Hungershall Park.

No known local precedents have been set for a requirement of a secondary and/or an emergency access. Example: The existing adjacent large estate has no secondary or emergency access.

Access: The suggested 'North' secondary and emergency access point will:

- . Destroy a Bio Diverse habitat, impacting the natural rural dynamic .
- . By default the access point becomes a tacit 'extra access' immediately opening onto High Rocks Lane with hazardous restricted/limited line of sight which is onto a speed de-restricted area and is a width constricted lane, plus opposite another lane entrance point; as highlighted in the council's planning permission access refusal 1990.
- . There is a high probability for this access to become a local shortcut

Proposing a Secondary and Emergency access appears to be a leverage argument to open up the site with another access point thereby ignoring the hazards identified, refer to previous valid refusal rational.

There is a high probability for dangerous additional 'on road parking' at the lower end of Hungershall Park/ corner of High Rocks lane/ Cabbage Stalk Lane. The proposed new developments at Spratsbrook Farm and the old Plant & Tools Hire site by The West Station which is to have access directly on to Eridge Road, will both increase traffic flows along this busy stretch and force drivers to find alternative routes.

Newts and a variety of amphibian wildlife have been seen in the site North aspect / River Grom area of this location.

In traffic management terms an emergency exit would require either traffic light control, or a roundabout (taking up additional land) further eroding the natural character of the area.² *The provision of pedestrian and cycle access to the north and improved pedestrian and cycle access into the town;*

If the access point is allowed to the north, then the suggested access is onto a hazardous speed de-restricted and width restricted lane. This was one of the reasons the previous planning for access was refused.

This would also create a safety hazard for pedestrians as there is no pavement from the suggested access secondary/emergency point towards Cabbage Stalk Lane.

1 *Adequate servicing and parking to serve the expanded commercial use on the site;*
Provision of a green route through the site from east to west connecting to existing Public Rights of Way on Tunbridge Wells Common and Cabbage Stalk Lane; Site East West access – Cabbage Stalk Lane will cause additional volume of use. This poses the following problems:

- 1) Compromise to safety and hazard as now a designated cycle path. Several near misses have already occurred with current multi-use volumes; as the majority of cyclists appear to disregard this lane as being a shared facility with pedestrians, pedestrians and dog walkers, plus vehicular access traffic.
- 2) Cyclists coming out of the new development will generally turn right into Cabbage Stalk Lane, adding to the volumes of cyclists using that lane. Furthermore, this will surely add to the number of cyclists on the Common who increasingly seem to be ignoring the “no cycling” rule there.
- 3) For those who might turn left into High Rocks Lane, this would add to the number of cyclists on this narrow lane with blind corners and numerous potholes - adding yet further risk to themselves, pedestrians and cars.
- 4) This is likely to further increase the volume of cyclists coming down the hill in Hungershall Park and towards the proposed development. Residents are increasingly concerned about the number of cyclists coming around the corner at very high speed and oblivious to the blind entrance several drives. There have been near misses recently and including one cyclist who recently came off his bike near the entrance to the drive at no. 12 Hungershall.

- 1 *Development shall be located on the areas identified for mixed use on the site layout plan;*
Tunbridge Wells Borough Local Plan 109 Pre-Submission Local Plan Regulation 19 Consultation
- 2 *Green infrastructure shall be provided on the areas shown indicatively in green on the site layout plan, and these shall be retained and enhanced. This shall include suitable buffering and enhancements to the River Grom corridor and to the setting of the adjacent Tunbridge Wells and Rusthall Common;* The plan shows a green space buffer running alongside Cabbage Stalk Lane. The current woodland buffer is substantial and therefore the developer is likely to bulldoze and excavate as much as is feasible subject to ground stability and the preservation of valuable and species trees etc. The trees provide cover and privacy for wildlife and seclusion for walkers and local residents but are not in themselves wonderful specimens but are nevertheless very important to the semi rural nature of the area. The retention of as much tree cover as possible is very important.

The River Grom flows along the Southern boundary of the plot alongside the railway line. The woodland and the river provide a habitat for deer and other wild animals. It would be desirable if the western end of the plot be preserved for wildlife, not be built upon and not used for vehicular access.⁷ *Regard will be given to existing hedgerows and mature trees on-site, with the layout and design of the development protecting those of most amenity value, as informed by an arboricultural survey and a landscape and visual impact assessment;*

The development will inevitably destroy and erode an established valuable bio-diverse habitat in a unique rural area.

Question 6

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Introduce a pedestrian footpath on the garden centre side of the Eridge Road

Make clear what been the compensatory improvements to the remaining Green Belt

Eliminate the North secondary and emergency access as there are no known local precedents have been set for a requirement of a secondary and/or an emergency access.

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?	. No, I do not wish to participate in examination hearing session(s)
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Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:	Yes, I wish to be notified of future stages of the Local Plan
--	---

Supporting Information File Ref No: SI_60a-b

Comment

Agent	Mr Nick Levett [REDACTED]
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Consultee	Mr Peter Dabner [REDACTED]
Company / Organisation	Joint Ventures in Property (JVIP)
Address	- - -
Event Name	Pre-Submission Local Plan
Comment by	Joint Ventures in Property (JVIP) (Mr Peter Dabner [REDACTED])
Comment ID	PSLP_1013
Response Date	01/06/21 19:56
Consultation Point	Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies (View)
Status	Processed
Submission Type	Email
Version	0.7
Files	PSLP_1013_Elements Strategic Land for JVIP SI-1 ESL Ltd Representation R.pdf PSLP_1013_Elements Strategic Land for JVIP SI-2 JVIP Letter Site 231 R.pdf
Data inputter to enter their initials here	HB
Question 1	
Respondent's Name and/or Organisation	Joint Ventures in Property
Question 2	
Agent's Name and Organisation (if applicable)	Elements Strategic Land Ltd

Question 3

To which part of the Local Plan does this representation relate? Policy

Question 3a

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy AL/SP 1 Land to the west of Langton Road and south of Ferbies

Question 4

Do you consider that the Local Plan:

Is legally compliant	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

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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.

Submission to Regulation 19 Local Plan consultation

The landowners welcome the inclusion of site 231 as a residential allocation assigned policy reference Policy AL/SP 1 within the Regulation 19 Local Plan. The plan has been prepared in accordance with all legal and procedural requirements, and the plan meets the prescribed tests of soundness.

Associated commentary on general matters is presented under suitably-titled headings below.

1 Delivery of a small-scale site in a sustainable location

The final version of the revised NPPF (2019) requires Local Planning Authorities to accommodate at least 10% of their housing requirement on 'small and medium sized sites' (up to one hectare) through their development plans and brownfield land registers.

Speldhurst is a sustainable settlement that can, and should, accommodate a proportionate amount of growth to ensure its vitality is maintained into the future. Specifically, site 231 benefits from being within convenient walking distance of local services and facilities, to include a community shop that includes a post office and general store, a doctor's surgery, a primary school and a children's nursery, village hall, and a church and a further chapel. In terms of access to public transport, Speldhurst benefits from a service linking the village with Royal Tunbridge Wells on weekdays and Saturdays. There is

also a school bus service that runs to the Weald of Kent Grammar School in Tonbridge. The allocation of site 231, therefore, is guided by both the Development Strategy for the Local Plan, alongside the requirement for small and medium sized sites to contribute towards the overall mix of housing sites.

The Housing Supply and Trajectory Topics Paper profiles the delivery of units on site 231 across 2023/24 and 2024/25. In November 2020 the landowners entered into an Option Agreement with a prestigious local developer, Calverley Estates Ltd, and so a high degree of confidence can be placed in the delivery of residential dwellings on site 231. Indeed, based on conversations between the two parties involved, it is expected that the first occupation in the 2023 calendar year would represent a realistic expectation.

It is important that the local planning authority is provided up-to-date and accurate profiling of anticipated site build out rates in order to maintain certainty over the forward housing supply position in the context of the 5-year housing land supply, and in this regard Site 231 shall make a meaningful contribution towards the reported annual position across the period that occupations occur.

1 Change of speed limit to Langton Road on the approach from the west

The landowners are cognisant that some local residents have raised concerns through a number of channels (for example representations made into the emerging Local Plan and via meetings of the Speldhurst Parish Council Highways Committee) regarding the speed at which vehicles users are moving through the Langton Road 20mph zone.

As part of the supporting evidence to the promotion of the site in conjunction with the emerging Local Plan, the landowners have previously commissioned two traffic surveys to record speeds at the proposed point of access for a period of a week during what is a traffic neutral period accepted by the local highway authority. The traffic survey data captured details of vehicle type, speed and volume. The speed data was used to calculate the visibility splay requirements, and a satisfactory access can be achieved without any intervention to the local speed limit regime. Visibility splay calculations over-provide for vehicle stopping distances, as the standardised values applied by local highway authorities do not account for the demonstrable improvements in vehicle braking technology over the past few decades. It is expected that Manual for Streets is soon to be updated to bring, amongst other things, visibility splay information 'in sync' with the latest vehicle technology.

Although a suitable and safe highway access to serve the site can be formed with no changes to the existing speed limit regime, the implementation of the site for residential use could reasonably require the implementation of necessary traffic calming measures to Langton Road in accordance with the relevant criteria of policy AL/SP1, as repeated below.

[TWBC: For the relevant extract from the PSLP, please see full representation attached as a supporting document]

1 Open space, amenity and play space

Policy OSSR 2 of the emerging Local Plan establishes the criteria for the provision of publicly accessible open space and recreation. The policy directs that for new housing or mixed use development sites, the Local Planning Authority will seek to deliver the following categories of publicly accessible open space, sports, and recreation provision in accordance with the specified minimum standards, as set out below.

[TWBC: For table, please see full representation attached as a supporting document]

The standards require no on-site provision for developments of up to 19 dwellings. In accordance with policy AL/SP1 the site is allocated for between 10-12 dwellings, with a median value of 11 dwellings. The site would, therefore, fall within the category of not requiring onsite provision. It is noted that improvements to existing (off-site) provision might be required in accordance with Policy OSSR 2.

1 Biodiversity net gain

One of the landowners attended the full meeting of Speldhurst Parish Council held virtually on Wednesday 5th May 2021, and the draft minutes of that meeting are enclosed to this correspondence. One issue discussed at some length during the public open session was biodiversity net gain and the practical requirements of meeting the associated target through allocations set out in the Regulation 19 Version of the Local Plan. Concern was expressed by certain members of the Parish Council as to the compliance of the Local Plan with the National Planning Policy Framework (NPPF) in respect of biodiversity net gain, and the associated implications for site 231 and the Local Plan more broadly.

In response the landowners contend that the Regulation 19 Local Plan contains extensive coverage of Biodiversity Net Gain as set out in paragraphs 6.131 to 6.142. Paragraph 6.134 establishes further work to be undertaken by the Council, as follows:

6.134 The Council will, in due course, provide further detailed guidance on this policy in the form of a Supplementary Planning Document which will set out the requirements for on-site and off-site net gain for:

- . conservation objectives;
- . long term management and monitoring;
- . funding arrangements and costs for any local or strategic offsetting schemes.

The wording of Policy EN9 'Biodiversity Net Gain' of the Regulation 19 Local Plan is presented below.

[TWBC: For the relevant extract from the PSLP, please see full representation attached as a supporting document]

Within England under the National Planning Policy Framework (NPPF), biodiversity net gain is strongly encouraged. As the government moves towards including a mandatory net gain requirement as part of the new Environment Bill, which will introduce changes to the Town and Country Planning Act 1990, Biodiversity Net Gain will move from a best practice ideal to a legal requirement in England. The Regulation 19 Local Plan makes provision for arrangements until such time that an SPD is adopted, as set out in paragraph 6.139.

6.139 Until such time as a SPD is adopted, reference will be made to the latest government guidance, Biodiversity Net Gain – Principles and Guidance for UK Construction and Developments (CIEEM, CIRIA, IEMA, 2016), British Standard BS42020 Biodiversity – Code of Practice for Planning and Development, and BS8683 – Biodiversity Net Gain or subsequent revisions.

It is contended that the Local Plan provides full and appropriate consideration of Biodiversity Net Gain.

Moreover, the Regulation 19 Local Plan comprises a suite of evidence base documents that provide extensive coverage of the biodiversity interest of the sites to be allocated.

Paragraph 5.20.9 of the Grassland Assessment Survey prepared by consultants Greenspace Ecological Solutions Ltd on behalf of Tunbridge Wells Borough Council clarifies:

*"The site Speldhurst SP1 supports grassland of **Low** botanical interest and is considered of **Low** ecological importance."*

The landowners shall work proactively with the developer in order to ensure a future scheme of development is in full adherence with policy EN9 of 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)?

For office use only

If responder hasn't ticked an option on this box, Not Stated data inputter to tick 'not stated' box.

Question 7a

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

I (or my associates) would only seek to participate in hearing sessions if there were relevant matters, issues and questions raised by the appointed inspector(s) relating to the site allocation made in accordance with policy AL/SP 1. I would be satisfied to submit written representations to the examination.

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1013_Elements Strategic Land for JVIP SI-1 ESL Ltd Representation R.pdf](#)

If you would like to attach a file in support of your comments, please upload it here. [PSLP_1013_Elements Strategic Land for JVIP SI-2 JVIP Letter Site 231 R.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	Fiona Jones [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tonbridge [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Fiona Jones [REDACTED]
Comment ID	PSLP_1397
Response Date	03/06/21 17:43
Consultation Point	Policy STR/SS 2 The Strategy for Paddock Wood Town Centre (View)
Status	Processed
Submission Type	Email
Version	0.5
Data inputter to enter their initials here	KH
Question 1	
Respondent's Name and/or Organisation	Fiona Jones
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/SS 2 The Strategy for Paddock Wood Town Centre

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

Question 5

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I write to confirm my objection of the proposed closure of Hartlake Road. This will have a knock on effect onto Tonbridge as outlined in TMBC's official objection. This is an ill-conceived idea that does not take anything into account other than forcing through the Capel development of which there is no support locally.

Wake up and listen to your residents and surrounding councils. You should be representing your constituents not alienating them.

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	Katharine Jones [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Katharine Jones [REDACTED]
Comment ID	PSLP_1111
Response Date	03/06/21 15:35
Consultation Point	Policy STR/SS 1 The Strategy for Paddock Wood, including land at east Capel (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Katharine Jones
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS1	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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I have been a resident in Five Oak Green for 20 years, our 3 children have been born in this time & we have a strong connection to the local community. During lockdown it became all too clear how much through-traffic usually comes along the one main road when the road was deserted. Traffic is now back up to the usual peak & in the 20 years we have been here it is noticeable how it has increased. Even with a small village school here there is considerable disruption either end of the school day with additional cars parked along the road. This will only increase with the proposed development and this is of huge concern to me. Not least because of the increase in population but also due to the lack of planned infrastructure.

It concerns me with the volume of housing proposed how badly the air quality will be permanently affected from an increase in the number of cars & increased population alike. We all saw the effect lockdown had on air quality & this planned development of disproportionate amount of houses will see a permanent & irreversible change in our climate & our environment not only to us as residents but to the animal & plant population too. TWBC has a duty to maintain the bio-diversity of our land. With this proposed development, there is none.

There is also the devastating amount of light pollution from this vast number of houses to consider too.

I have severe concerns over increased flood risk with this development. There is no doubt that with a development of this size the risk of flooding will be heightened. We will also be part of a much larger urban sprawl linking Paddock Wood, Five Oak Green, Tudeley & Tonbridge. There is no consideration to the loss of greenbelt & productive farmland. In a time when as we leave the EU we need to consider being more self-sufficient with our land, surely we should be using our farmland for the purpose it's intended to provide crops & not give it up for poorly considered housing.

There is also no affordable housing. In fact, my own children who have lived & grown up here will not be able to afford to live here. They will be forced to look to live elsewhere in favour of those who are able to buy into the county from the larger cities.

TWBC have considered no alternatives to this site but have selected the 'easy' option of negotiating with just one landowner. This is lazy & is not showing a duty of care to the current residents of the borough. Meanwhile, Tunbridge Wells town centre is falling on its knees with empty shops & lack of focus on regeneration. This housing development is not sustainable & is unsound.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

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Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Katharine Jones [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Katharine Jones [REDACTED]
Comment ID	PSLP_1117
Response Date	03/06/21 16:09
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Katharine Jones
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
STR/SS3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

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- . It is not justified
- . It is not consistent with national policy

Question 5

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I have lived in Five Oak Green for 20 years. Our 3 children have been born here & we have a strong connection to the community.

I have concerns over the proposed development of Tudeley Village. I am concerned over the disproportionate amount of housing planned on Greenbelt land with no consideration having been given to the environment, the effect on the climate nor the infrastructure needed to name three. There is no consideration for affordable housing, so my 3 children & all those in the village currently will not have the option to live locally. They will financially be pushed out in favour of those being able to buy into the area from wealthier parts of the county/country or cities.

The plan shows a train station yet Network Rail have confirmed that this will simply not happen, there just isn't enough track space between Paddock Wood and Tonbridge to facilitate another station & the required need to slow down in order to stop at that station. This is misleading on the plan, so what else is there on the plan that is also a non-starter?

Building on such a scale will have a detrimental & irreversible affect on the plant and animal life. The air quality will be significantly worsened affecting not just the people but again plant and animal life and there will be devastating amount of light pollution from this vast number of houses.

We all saw the effect lockdown had on air quality and this planned development will see a huge permanent and irreversible change for the worse in our climate and our environment not only to us as residents but to the animal and plant population too. It is clear there has been no consideration towards our environment or the effect on climate change. TWBC have a duty to protect the bio-diversity of our borough. With this proposed development they have not.

This proposed development of houses will obviously increase the population, increase the number of cars on the road & increase the pollution. There is just one road through Five Oak Green & during lockdown it was evident how much quieter the traffic was. In the 20 years we have been here never was it quieter than during the lockdowns & now it is back to its usual peak. Even with just a small village school there is considerable traffic disruption outside the school at either end of the school day with additional cars parked along the road. This will only increase in number with the proposed development & planned secondary school and this is of huge concern to me that the safety of this has not been carefully considered. There is a lack of planning in the infrastructure here & it will have serious repercussions.

There is also the increase in flooding that this development will bring.

Five Oak Green will become part of a much larger urban sprawl linking Paddock Wood, East Capel, Five Oak Green, Tudeley Village & Tonbridge. There is no consideration to the loss of greenbelt and productive farmland. In a time when we're leaving the EU we need to be more reliable on our own land for our own produce. Our farmland needs to be used for the purpose it's intended - to provide crops - it should not be given up for poorly considered developments.

TWBC have not properly examined any alternative sites but have selected the easy option. This is lazy and not showing a duty of care to the current residents of the borough. Meanwhile Tunbridge Wells town centre is being ignored - there are dozens of empty shops and there is a lack of focus on regeneration here.

I strongly believe this development is not sustainable and is unsound.

Question 7

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If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in examination hearing session(s)

Future Notifications

Please let us know if you would like us to use your details to notify you of any future stages of the Local Plan by ticking the relevant box:

Yes, I wish to be notified of future stages of the Local Plan

Comment

Consultee	Sarah Jones [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] Tudeley [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Sarah Jones [REDACTED]
Comment ID	PSLP_1096
Response Date	04/06/21 12:30
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.3
Question 1	
Respondent's Name and/or Organisation	Sarah Jones
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know

Question 4a

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . It is not justified
- . It is not consistent with national policy

Question 5

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Having lived in Tudeley for 27 years, I feel that I am well qualified to state my concerns about the proposed development and its lasting impact.

It is planned that the proposed development is built entirely on Green Belt. The purpose of Green Belt includes: 'To prevent neighbouring towns merging into one another'. The proposed Tudeley village would result in the merging of Tonbridge and Paddock Wood with no distinct countryside between the two towns. Another purpose of Green Belt is: 'To assist in safeguarding the countryside from encroachment'. The proposed development will destroy 170 hectares of beautiful and diverse countryside situated in Green Belt.

Green Belt should only be used for housing in exceptional circumstances when there is no alternative land available for development. TWBC has offered to take on housing allocations from other bordering BCs (Sevenoaks) which contradicts the fact that TWBC believes that there is a lack of non- Green Belt/AONB sites in TWBC available for housing and therefore the council believes exceptional circumstances preside in TWBC. Green Belt should only be used for housing development after all brownfield and non-Green Belt/AONB sites have been exhausted. There are several sites of significant size within TWBC which are not situated in Green Belt or AONB that have been identified and assessed within the SHELAA but have been rejected for development. Site Reference: 144, Horsmonden and Site Reference: DPC3 Blantyre House (both sites totalling approx. 130 hectares) were proposed but rejected. Both sites are outside of Green Belt and AONB and therefore should be utilised for housing prior to the site proposed for Tudeley village. In addition, it would be more logical to split the main new housing stock for the TWBC across 2 sites in the middle of the BC and not have it concentrated at one end of TWBC in area directly adjacent to another Borough Council's border.

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.

Green Belt should only be used for housing development after all brownfield and non-Green Belt/AONB sites have been exhausted. There are 2 alternative sites to Tudeley that would be suitable for large housing developments within TWBC which are not situated in Green Belt or AONB. Both these sites have been identified and assessed within the SHELAA but have been rejected for development:

Blantyre House

Blantyre House prison and the surrounding land are owned by the government. The SHELAA only assessed Blantyre House prison buildings and its immediate surrounding land which is 11.40 hectares. The complete government owned site is approximately 79 hectares. This site was considered as reasonable alternative for a garden village but was rejected as it was thought to be too small, if the complete site had been considered this fact would not stand. In addition the Goudhurst Neighbourhood plan supported the development of the site. The site is 3 miles from Cranbrook. Cranbrook is a small town in TWBC with 2 secondary schools, shops and various other facilities. The nearest rail station is 3.8 miles from the site with links to London and Ashford International. Unlike the site proposed site for the Tudeley development, this site has an existing road system connecting it to both Cranbrook and the nearest rail station. There is currently an existing bus service that could serve this development. If this site were to be developed it would be utilising brownfield and derelict buildings and no Green Belt would be destroyed to either build houses or to better the existing road structure.

Horsemonden

Site ref: 144, Horsmonden, approx. 50 hectares (622 – 1,243 houses) was proposed for development. Despite not being in Green Belt or ANOB, this site was rejected for development for the following reason: 'This would be a very large scale strategic allocation that would be disproportionate to the size of the settlement with concern about the landscape and heritage'. The rationale behind this statement is not valid for a number of reasons; 1) TWBC is proposing a development in Tudeley consisting of 2800 houses which will destroy 170 hectares of Green Belt containing ancient woodland and listed buildings and is in close proximity to 3 historic sites; Tudeley church, Somerhill House and Hadlow Tower. 2) There are approximately 2600 residents in Horsmonden PC and 2500 residents in Capel PC which includes only around only 100 residents in Tudeley. Considering this, how can TWBC justify building 2800 houses in the village of Tudeley? This development would be majorly disproportionate to the size of the settlement. 3) Site ref:144 is attached to the Horsmonden therefore is an extension of an existing conurbation, therefore its development would not cause neighbouring towns merging into one another. 4) Site 144, unlike the proposed Tudeley development, will not be destroying additional Green Belt to create transport links as it will be able to utilise the existing road structure and bus service that currently serves Horsemonden.

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	Linda jorden [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Linda jorden [REDACTED]
Comment ID	PSLP_264
Response Date	22/05/21 21:01
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	Linda Jorden
Question 3	
To which part of the Local Plan does this 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 Paddocke Wood and 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 am 61 years old and lived in the parish most of my life, my father was born in Tudeley and lived all his life there, I went to school at Capel. I bought a house on the Whetsted Road at Stone Castle in 1985 and feel able to comment on the effects that further building will have in this area.

Roads - even back in 1985 this road was fast and busy. It is the link between the two main hospitals and also Maidstone and Tunbridge Wells. Even back in 1985 the slightest hold up on Colts Hill (dustbin men, broken down car) lead to major tail backs and congestion. Nowadays with the increased use of the road, no road improvements, more houses in Maidstone and Tunbridge Wells the road is always blocked at the hopfarm at rush hour and Colts Hill comes to a standstill every time two lorries meet.

The road between Paddock Wood and Tonbridge is always busy, now that Paddock Wood has grown into a town you have to take your life in your hands just to cross the road anywhere in Five Oak Green. There are very few footpaths and the bus service is dreadful, hence people are forced into using their cars.

Quarry - There was NO quarry when I lived there, now not only is there a quarry, but plans are afoot to increase the quarry and up to 100 HGV's will be using the already congested road daily. This is again destroying the farm land and wildlife habitats.

Farm Land - This area has always been good farm land, hence the hop farm (which was a working farm when I was a child), it grew and dried the majority of hops for the Whitbread Empire. With the demise of the brewing industry the land was laid to cereal crops as its good fertile soil. We as a country need to grow our own food - Why build on good farming land???

Flooding - The area from the Medway down to the Hop Farm has always been flood plain, the stream at Tudeley Brook Farm also floods, as the whole of Five Oak Green has flooded why make the matter worse by building more houses, cutting down trees and concreting on land which helps soak up the water.

Sewerage - All the sewerage from Paddock Wood (which was a village and is now a large town) is pumped through Five Oak Green to the Sewerage works in Tonbridge. Nothing has been done to improve the system, even with the increase in houses. Everytime it rains hard, the pump is disabled, pumping lorries are in Five Oak Green twenty four hours a day pumping the sewerage, these lorries have their engines running day and night, another damaging environmental disaster!

Water - Where is the water for the proposed new houses coming from? None of the reservoirs have been increased, there are no new ones, and the old one in Pembury flooded our home in February last year when it became dangerously high and at risk of breaking its banks, so they allowed water to flow out, flooding 29 homes in Five Oak Green.

Brown Field Sites - There are so many Brown Field sites in the borough and so many empty shops, the old cinema site, John Lewis site and many more around Tunbridge Wells which would be perfect for housing, instead they are going for the easy option, using virgin farm 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.

After this 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.

Brown Field Sites - There are so many Brown Field sites in the borough and so many empty shops, the old cinema site, John Lewis site and many more around Tunbridge Wells which would be perfect for housing, instead they are going for the easy option, using virgin farm land!

Question 7

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

If your representation is seeking a modification to the Plan, do you consider it necessary to participate in examination hearing session(s)?

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	Linda jorden [REDACTED]
Email Address	[REDACTED]
Address	
Event Name	Pre-Submission Local Plan
Comment by	Linda jorden [REDACTED]
Comment ID	PSLP_278
Response Date	23/05/21 08:19
Consultation Point	Policy STR/SS 3 The Strategy for Tudeley Village (View)
Status	Processed
Submission Type	Web
Version	0.2
Question 1	
Respondent's Name and/or Organisation	Linda Jorden
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	
Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.	
Policy STR/SS 3 for Tudeley Village	
Question 4	
Do you consider that the Local Plan:	
Is legally compliant	Don't know
Is sound	No
Complies with the Duty to Cooperate	Don't know
Question 4a	

If you consider that the Local Plan is not sound, please answer this question.

Do you consider that the Local Plan is not sound because:

- . It is not effective
- . 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.

My father was born in Tudeley and lived there all his life, I am 61 and have lived in the parish most of my life, living in Five Oak Green Village for the past 25 years. My brother (59yrs) still lives in Tudeley as too does my mother in law.

Tudeley has always been a rural hamlet between Tonbridge and Paddock Wood, it used to be a Hop, Apple and Corn growing area with most of the farms being owned by the Goldsmid family (now Hadlow Estates) and tied farm worker cottages.

Over the years as agriculture has changed the farms have amalgamated and the whole area is now laid down to growing corn crops such as wheat, barley and rape.

The historic church of All Saints not only has the Chagall windows but dates back hundreds of years and attracts many tourists, along with the common wealth graves in the graveyard; not to mention my own family grave.

By building around the church the tranquility of the area and its historical lure will be lost for ever!

Views - The views from Tudeley across the Medway valley are stunning, the rolling farm land and wealden hills in the distance are stunning, by just building one house, these views will be lost forever.

Traffic - As a child I could cycle to Five Oak Green or Golden Green safely, however, the road has not been improved and it is like a death trap, it is scary in the car even with the 40 mile an hour speed limit, the volume of traffic is too great for the road, the drains are continually collapsing and it only takes one broken down car or set of roadworks to grid lock the whole area, especially on a work day.

My mother in law (living just off Hart Lake Road) and brother (living in the village) both struggle to get onto the main road and have to live their lives around the busy times by not using the road at this point.

Transport - There has never been a good bus service in the village, even last week I wanted to get to Tonbridge for 6pm without using the car, the last bus is 4.45pm!!! There are no pavements and cycling is out of the questions. I often walk across the fields using the many well used footpaths to get from Five Oak Green to either Tudeley or Tonbridge. Going to Paddock Wood means crossing the very fast Whetsed road which is too dangerous.

Flooding - Hartlake Road to the Poacher always floods, the water comes from both directions, from the Medway and also gushing down from the fields around the church and Crockhurst street. The water also flows the other way down towards Alders Road, this is at a time when the fields can absorb the water along with the many ponds and ditches, what happens when these go?

My own house has nearly flooded twice with water coming into the garden, then in February 2020 it did flood, it was devastating, we were homeless for six months, lost so many possessions and although we had good insurance, we will never view the house, our home, in the same way again. Why build on flood plains?

Sewerage - Already the pipe between Paddock Wood and Tonbridge carrying all the sewerage cannot cope and everytime it rains hard the pump fails in both Five Oak Green and at the pumping station in

Tudeley. The road in Five Oak Green becomes blocked with pumping lorries, we have to have traffic lights and endure lorries running their engines 24 hours a day to pump the waste, its an environmental disaster and keeps us awake at night.

Phones - Mobile phones do not work in the area, the singal is awful no matter what provider you are with, smart meters the same.

Water - Where will the water come from for all these new houses? there are no new reserviors and no work has been carried out to the ones which do exist?

Land - The land is good quality soil which for centuries has grown the food to feed the nation, nowadays more than ever we need to keep hold of our land and grow sustainable crops to feed us all. Why build on good land when there are so many empty factories, shops and offices around. Once you start to build on virgin land there is no putting it back to how it was.

Nature - The whole area has a great diversity of wildlife and wonderful wild flowers, bluebell woods, primroses, orchids, badgers, hedgehogs, deer and foxes to name but a few. Where will the wildlife go? the flowers will be lost forever, what sort of area will my grandchild see?

Quarrying - There are quarries planned along the Medway linking up with those already there and on into Tonbridge. The whole area will become disused quarry lakes and houses with no land between.

Question 6

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There are many brown field sites in the borough, TWBC appear to feel these are too expensive to use, while building on virgin farm land, making land owners richer, is the easy option.

The cinema site in the town is perfect for housing, the victoria centre is empty of shops, why not move the handful of remaining shops into the empty shops in the precinct and use this site for housing? Not to mention all the empty factories and offices around the borough.

The plan is an environmental disaster!

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	Gavin Joyce [REDACTED]
Email Address	[REDACTED]
Address	[REDACTED] [REDACTED] Yalding [REDACTED]
Event Name	Pre-Submission Local Plan
Comment by	Gavin Joyce [REDACTED]
Comment ID	PSLP_491
Response Date	26/05/21 17:47
Consultation Point	Policy STR/PW 1 The Strategy for Paddock Wood (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	Gavin Joyce
Question 3	
To which part of the Local Plan does this representation relate?	Policy
Question 3a	

Please state which paragraph number(s), Policy Number, or Policies Map (Inset Map number(s)) this representation relates to.

Policy STR/PW 1 The Strategy for Paddock Wood

Question 4a

If 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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Would you please note my comments regarding the above proposal.

I am against closing the railway bridge as I use Paddock Wood for both the railway station and shopping and live in Yalding to the north.

The alternative route is via the hop farm, to Five Oak Green then Paddock Wood. An additional 3 or 4 miles, increasing traffic on that route and adding pollution.

The station car park has more capacity on the southern side and the northern side is often full earlier. This will necessitate a 4 mile round trip for a commuter to park their car after arriving at the station.

This will impact businesses based in Paddock Wood as shoppers will go elsewhere.

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