

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

18 July 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REGULATION 18 CONSULTATION

1.1 This report sets out the full consultation analysis from Regulation 18 consultation. This builds upon the initial results presented to the 6 December meeting (see Annex 5).

1.2 Background

1.2.1 The Council consulted upon the Regulation 18 Local Plan between 22 September and 3 November 2022. In total over 4,000 representations were received. At the 6 December 2022 meeting of this committee members were presented with the initial findings of the Regulation 18 consultation. This included analysis of the online responses only, plus some summary information from key stakeholders.

1.2.2 This report now sets out the full and updated analysis, including responses received by email and letter. These responses will be utilised and drawn upon in preparing the next Regulation 18B document for Spring 2024.

1.3 Questionnaire responses

1.3.1 **Annex 1** includes the updated outputs of the questionnaire. These figures provide an update to that presented in December 2022. In total 2228 people responded to the questionnaire, and therefore the proportions below relate to this figure. The key messages from the questionnaire were:

- 71% of responses disagreed with the established settlement hierarchy
- 68% of responses preferred spatial strategy option 1 (outside the Green Belt and AONB boundaries)
- 79% disagreed with 'exceptional circumstances' for release of Green Belt land and 62% supported Green Belt extension
- 90% of responses preferred meeting objectively assessed needs only
- 54% of responses agreed with the windfall allowance methodology

- With reference to Tonbridge 93% preferred option 1 (maximising delivery within the town centre)
 - 92% of responses supported seeking more than 10% biodiversity net gain (if viable).
- 1.3.2 The questionnaire contained 12 questions with free text answers with summaries as below. The full text answers are also included within **Annex 2**.
- 1.3.3 Question 4 asked about the reasons for selecting the spatial strategy option. Given the scale of support for option 1 it is unsurprising that Green Belt and countryside protection were cited as key reasons. Specific matters relating to the implications of the various options on settlements were also raised.
- 1.3.4 Question 6 asked the reasons for selecting the quantum option, as above (Question 5) 90% of respondents favoured meeting the OAN only. Given the support for option 1 the reasoning was largely around the need to reflect national planning policy and more localised issues such as character protection and infrastructure support.
- 1.3.5 Question 26 asked the reasons for the Tonbridge strategy. Responses focussed on the need to protect the Green Belt and the availability of land within the town centre for intensification.
- 1.3.6 Question 29 asked how planning policy should guide town centre development. A considerable number referred to support for the redevelopment of the sites and car parks within the centre in the vicinity of the Angel Centre.
- 1.3.7 Question 43 asked reasons for selecting Green Belt strategy option. Responses included support for Green Belt extension, particularly within the vicinity of Kings Hill, but others expressed concern that Green Belt extension could mean a loss elsewhere. Other concerns relate to a prevention of urban sprawl more generally.
- 1.3.8 Question 48 asked reasons for selecting climate change measures. Responses focussed most specifically upon energy, carbon reduction, flood risk and biodiversity and habitat protection.

1.4 Consultation responses

- 1.4.1 In addition to the questionnaire, comments were received against sections of the local plan document. All responses are now included within the [link](#) provided to **Annex 3** of this report. This includes the consultation comment and officer response. The level of detail provided on these responses reflect the early stage in plan-preparation.
- 1.4.2 For data protection purposes this includes the respondent ID and comment only. It should be noted that respondents who provided an email address alongside their response will be alerted through our consultation portal of their ID reference.

There were also 501 responses which did not provide an email address, of which 114 had no postal address or contact details, therefore a letter will be sent to 387 respondents also providing their user ID. The full responses by Chapter are available within **Annex 3**, where respondents will be able to find and view their comment. The following sections set out the key matters raised against each chapter of the local plan.

1.5 Introduction and Local Context

- 1.5.1 Comments expressed concern in relation to the form and format of the consultation and the extent of community awareness of the consultation. Additional comments focused on how comments will be taken into consideration in future versions of the local plan. Reference was also made to the role of the withdrawn local plan and how/whether this has been widely publicised.
- 1.5.2 Respondents also highlighted the wider strategic nature of the Green Belt and the implications of this for the local plan. Comments highlighting the role of the NPPF and the need to adhere to national policy in relation to the approach to housing numbers taken within the borough. A series of responses also highlighted the need for further background evidence to support the settlement hierarchy, and that continuation of the previous approach would not be sufficient without this. General comments in relation to the level and extent of infrastructure provision and road capacity within the borough and the capacity to absorb further growth.
- 1.5.3 Comments relating to local context highlighted demographic changes with more elderly people who need appropriate housing and support, and a need to increase social/affordable housing provision. However, the scale of new housing proposed was cited as being disproportionate to the borough. Others highlighted infrastructure provision issues including that bus provision is inadequate, local roads are overcrowded and greater provision for pedestrians and cyclists and connectivity through public rights of way networks should be made. Other comments focussed on a need to support the retention of good quality agricultural land.

1.6 Vision

- 1.6.1 Comments focused upon the enhanced protection of the rural and historic character of the borough, including through Green Belt, landscape and green space protection. Conversely comments also supported the elements of the vision as identified, but with a need to provide for housing needs through appropriate growth.

1.7 Spatial Distribution

- 1.7.1 Many of the comments in this section referred to specific elements of national planning policy and how the council is required to adhere to this. Specifically the role of Objectively Assessed Needs, and whether this should be met or exceeded, with comments against this section of the plan broadly split. Related to this, some

comments suggested that the SA should have tested a lower than OAN figure, and conversely an OAN plus of up to 20%.

- 1.7.2 These comments also referred to the role of each of the proposed five spatial options, with differing opinions of preference. Option 1 received the greatest level of support, citing concerns about building within the Green Belt. The next most cited option was option 4, in relation to a dispersed pattern of growth with comments relating to utilising brownfield land across all settlements as a preference. Options 2 and 3 had relatively low levels of first preference. The potential for and realism around option 5 (new settlement) was generally questioned, citing concerns around timescale of delivery and likely success.
- 1.7.3 Further comments in this section referred to the role of the settlement hierarchy and the role of settlements including questioning whether Kings Hill or Borough Green should be lower down within the hierarchy. As above, comments highlighted the need for further background to the hierarchy, and how this will influence decisions on the proposed spatial strategy in due course.
- 1.7.4 Similar to other sections, concerns around the infrastructure capacity of the borough as a whole, and the ability to support further growth were questioned. Comments relating to specific infrastructure issues across the borough were raised, including relating to social infrastructure, water and flood risk, transport and accessibility as well as communications capacity. Concern was highlighted in relation to the capacity of Kings Hill.

1.8 Housing

- 1.8.1 While some comments highlighted a need to meet assessed need and boost to housing delivery, with likely shortfall in delivery in early plan period, others contested the detailed calculations/assumptions behind housing provision and affordable housing calculations. The amount of new housing was also identified as disproportionate and unrelated to available infrastructure, including in relation to how housing need also includes need arising from in-borough migration from e.g. London.
- 1.8.2 In terms of location comments focussed upon avoiding placing housing development where this involves green belt/open land loss and coalescence of settlements and ensuring that new development does not overwhelm existing settlements and infrastructure.
- 1.8.3 Support was also provided for delivery on sites ranging for small to large for different household sizes and building types, while others cited that very large new sites should be avoided and that small scale growth for each settlement and higher densities would be more appropriate. Support was provided for a wide variety of suitable/deliverable sites and a flexible mix of types to meet need. Comments also highlighted a need to link new housing to local employment

provision and accessibility, and to recognise the contribution of SME builders as in NPPF.

- 1.8.4 Comments within this section also included support for the provision of additional affordable housing, more social and not for profit housing, self and custom-build provision and new housing for groups including older persons. Support was also provided for re-establishing council house building. Appearance, build quality and environmental performance of new housing were also cited as in need of improvement.

1.9 Economic Development

- 1.9.1 Comments frequently highlighted a lack of employment land, reduction in industrial stock and imbalance of demand for employment against supply, and how this must be addressed by the emerging Local Plan. The labour supply scenario within part 1 of the Economic Development Needs Study was also supported. Support for free or reduced parking charges was also suggested as an incentive to shop locally whereas a lack of investment in strategic and local infrastructure also attracted comments.

- 1.9.2 Other comments highlighted a loss of local employment and businesses from a potential loss of golf course and agricultural land. The importance of the rural economy was also emphasised, including viticulture which should be supported through policies.

1.10 Transport

- 1.10.1 A good level of support was expressed for the transport challenges outlined. However, significant concerns about highway and junction capacity and related congestion that could be created by further development, affecting specific junctions. Related concerns about rat running, the maintenance of roads and that this could worsen with increased traffic and road safety especially for vulnerable road users. Other concerns related to the potential implications of additional traffic upon local air quality, especially within designated AQMA's.
- 1.10.2 Support was provided for improvements for walking, cycling and public transport improvements, in preference to additional road capacity. Where these are provided, they need to be well connected, sensitively designed and delivered at an early stage in the development process. However, others questioned the ability to shift travel behaviour away from car usage.
- 1.10.3 Many comments highlighted the recent reduction in bus services serving Peters Village and Kings Hill and the lack of a frequent bus service from Kings Hill to West Malling station and no bus service between Kings Hill and Tonbridge. The rising cost and availability of home-school bus travel options and need for better integration of bus and rail timetables were also highlighted. Regarding rail, concern was expressed about the connectivity and frequency of services on the main line via Maidstone East and Swanley and that the new hourly service to

London Bridge is at the expense of the peak only Blackfriars service. Support was also expressed for more services and enhanced station facilities.

- 1.10.4 Comments also highlighted insufficient quantity of residential parking in new developments which causes issues including pavement parking and support for more electric vehicle charging points in public car parks.

1.11 Tonbridge

- 1.11.1 Comments in this section focussed on opportunities to increase development within the town centre and that the open car parking is a poor use of space, and a preference for option 1 (densification). Support was also provided for further independent and local businesses within the town centre. Others highlighted the need to promote Tonbridge and its green and heritage assets. Generally public transport connectivity was highlighted as being good, but more could be done to provide mode integration at the station, bus and cycle.

1.12 Retail

- 1.12.1 Comments highlighted issues with the quality, quantity and distribution of retail, particularly in Tonbridge High Street, where retail offer is lacking. Respondents highlighted that to undertake 'quality shopping' they need to go outside the borough. Other comments queried the existing town centre hierarchy, specifically district centre / rural retail centre for Borough Green and Hildenborough.
- 1.12.2 Other comments highlighted that parking is expensive and limited, suggesting removal or reduction in parking charges to entice people to shop locally. Opposition to drive thru restaurants and fast-food outlets also highlighted.

1.13 Community facilities

- 1.13.1 Within this section respondents generally expressed concerns in relation to water supply, sewer capacity, gas, electricity, roads, doctors' appointment availability, bus/rail services and school places. Other comments stated that the definition of infrastructure should also include amenities and assets, green spaces and corridors and not just sports fields. Similarly, that health infrastructure provision should include hospices. Comments also highlighted a diminished sense of community due to loss of facilities and businesses.
- 1.13.2 Specific comments also relate to the role of NHS land and property and the ability to grow and expand on existing NHS sites and on land across the borough. Infrastructure requirements should consider approved but not yet built applications. Support for adding further evidence in relation to open space and indoor sport and recreation facilities. Comments relating to affording education infrastructure key prioritisation in the list of funding requirements as there are evidenced pressures in the North of the Borough.

1.14 Natural Environment

- 1.14.1 Comments against this section expressed concerns in relation to the loss of agricultural land to development, and the impact this could have on food production and food supplies. Several sites were also suggested for designation as Local Green Spaces including East Malling playing field, Westwood Green (59525) and Carnation Green (59449).
- 1.14.2 A lot of the comments focussed on whether the council should be sticking with 10% Biodiversity Net Gain (BNG), as per the Environment Act, or seeking to exceed this. Majority of responses do not support exceeding 10% due to viability concerns. There is general support for allocating sites for BNG in the Local Plan. Incorporating biodiversity into the design of new developments was also generally supported. Other concerns related to the loss of Green Belt and impact of development in the AONBs.

1.15 Built Environment

- 1.15.1 Comments tended to highlight how the built and historic environment is vitally important, but all design aspects are equally important. The historic environment is integral to the built environment. Comments also highlighted how the preparation of a heritage strategy is positive and would be welcomed when published.

1.16 Green Belt

- 1.16.1 As highlighted in other sections the fundamental message related to safeguarding the Green Belt and preventing further development within these locations. Comments also identified the need to retain the openness around and preserve the character of individual settlement places. Similarly, others highlighted the role Green Belt protection can play in protecting visual quality, agriculture, nature conservation and ameliorating pollution impacts.
- 1.16.2 Support was also provided for the expansion of the Green Belt in various places, including in East Peckham and around East Malling. Other comments highlighted that other land is available without building on the GB and new homes in current urban areas should be prioritised.
- 1.16.3 Conversely, others highlighted that exceptional circumstances include the need to deliver housing as brownfield land supply is not currently sufficient.

1.17 Climate Change

- 1.17.1 Comments supported a focus on climate change which should be a positive aspect of the plan. A flexible approach is needed on mitigation/adaptation methods to address climate change. Tree coverage/planting would be difficult to impose a set policy on due to viability factors. Modern methods of construction

(MMC's) would be difficult to impose a specific policy on this as its very much market driven and not appropriate at every site.

1.18 Appendix B Sites

1.18.1 Since a majority of the comments received were in relation to appendix B it is unsurprising that they tended to raise site specific matters. Table 1 below sets out the key topics raised for each ward (please note old ward boundaries were in place at the time).

Table 1- Appendix B comments

Aylesford	<ul style="list-style-type: none"> • Technical detail and other site-specific issues relating to flood risk • Comments relating to infrastructure provision and minerals extraction licences at sites
Barming and Teston	<ul style="list-style-type: none"> • Site specific issues, including relating flood risk
Borough Green and Long Mill	<ul style="list-style-type: none"> • Site specific issues, including loss of Green Belt, AONB, green spaces, and wildlife and infrastructure demands of development within the ward • Concerns over disproportionate size of development, increase in traffic on rural roads, infrastructure demands, shortage of parking and merging of settlements. • Loss of high-grade agricultural land
Burham and Wouldham	<ul style="list-style-type: none"> • Site specific issues, including relating to potential loss of agricultural land and traffic issues • Site specific issues, including relating flood risk
Cage Green	<ul style="list-style-type: none"> • Site specific issues relating to access and traffic, infrastructure provision • Issues relating to the role and value of green spaces and the impacts of potential loss
Castle	<ul style="list-style-type: none"> • Site specific issues relating to the role and value of green spaces and local sports facilities • Site specific issues relating to the Green Belt designation in this area and the influence on sites
Ditton	<ul style="list-style-type: none"> • Site specific issues, including relating to infrastructure demands of development within the ward • Clarification relating to the form of employment proposed on site
Downs and Mereworth	<ul style="list-style-type: none"> • Development within the Greenbelt and loss of countryside. • Loss of biodiversity and wildlife. • Additional impact on infrastructure where the existing cannot already cope.

	<ul style="list-style-type: none"> • Loss of agricultural land • Impact on countryside access and loss of footpaths and bridleways • Loss of ancient woodland • Poor access and congestion to local roads
East Malling	<ul style="list-style-type: none"> • Site specific issues relating to loss of Green Belt, agricultural land, open space and biodiversity, impact on heritage assets and aquifer. • Concerns over increase in traffic on rural roads, infrastructure demands and merging of settlements. • Local Green Space sites identified for potential designation including 59450, 59448 and 59449 • Technical issue relating to management costs for some green spaces (59448, 59450) being paid by existing property owners as part of the Tile deeds.
Hadlow and East Peckham	<ul style="list-style-type: none"> • Site specific issues relating to loss of Green Belt and access • Substantial site-specific flooding and surface water drainage issues raised
Higham	<ul style="list-style-type: none"> • Site specific issues relating to infrastructure provision, flood risk, traffic and protected species • Comments relating to the need to adhere to national planning policy, in relation to the Green Belt • Issues relating to the role and value of green spaces and the impacts of potential loss
Hildenborough	<ul style="list-style-type: none"> • Site specific matters in relation to the loss of green and amenity spaces • Site specific comments relating to flood risk in particular locations as well as local facilities, infrastructure, access and traffic issues • Infrastructure issues including the existence of the large oil pipeline which runs through particular sites and how this relates to development potential • Issues relating to Green Belt designations for sites and how these impact upon the form and character of Hildenborough, and questioning of the 'exceptional circumstances' • Comments relating to air quality and the need for AQMA • Need for a separation from Tonbridge and to protect a separate identity
Judd	<ul style="list-style-type: none"> • Comments focusing on particular sites and the impact of potential loss in play space or green space • Site specific issues relating to infrastructure provision, in particular schools, road access and traffic movements • Technical detail and other site-specific issues relating to

	<p>flood risk</p> <ul style="list-style-type: none"> • Comments relating to the extent of potential development within Tonbridge
Kings Hill	<ul style="list-style-type: none"> • Loss of green and amenity spaces and the effect this has on both health/well-being and biodiversity/wildlife • Loss of ancient woodland • Objections to building on or near Local Nature Reserve. Harm to conservation area • Concern regarding the potential loss of golf course • Infrastructure issues including pressures on parking, traffic, doctors' surgeries and school places • Kings Hill is already overdeveloped.
Larkfield North	<ul style="list-style-type: none"> • Site specific matters in relation to the loss of green and amenity spaces and the impacts of loss of car parking
Larkfield South	<ul style="list-style-type: none"> • Site specific matters in relation to the loss of green and amenity spaces and the impacts of loss of car parking • Comments relating to the lack of social infrastructure provision to support any new development within this location
Medway	<ul style="list-style-type: none"> • Comments relating to the role of the Green Belt and infrastructure provision, including access, highway capacity and traffic issues • Technical site-specific issues relating to flood risk
Snodland East and Ham Hill	<ul style="list-style-type: none"> • Site specific issues relating to green infrastructure, infrastructure provision and flood risk • Technical site-specific issues relating to flood risk • Identified site deemed unavailable
Snodland West and Holborough Lakes	<ul style="list-style-type: none"> • Site specific issues relating to green infrastructure and infrastructure provision • Identified site deemed unavailable
South Aylesford	<ul style="list-style-type: none"> • Technical site-specific issues relating to flood risk
Trench	<ul style="list-style-type: none"> • Site specific comments relating to the role of the Green Belt and the evidence required for any potential release • Site specific matters in relation to the loss of green and amenity spaces • Comments highlighting innovation and how this should be required in placemaking, e.g. through use of technology • Site specific comments including access, highway capacity and traffic issues
Vauxhall	<ul style="list-style-type: none"> • Site specific matters in relation to the loss of green spaces and sports grounds, and car parking • Comments relating to access and traffic issues

Wateringbury	<ul style="list-style-type: none"> • Concerns regarding the capacity of infrastructure including doctor's surgeries and schools and local facilities • Air quality issues at the detriment to wellbeing of residents • Comments relating to the Green Belt and support for brownfield development in advance of greenfield, and concern about loss of high value agricultural land • Comments relating to the role of Kings Hill in the settlement hierarchy given the number of facilities present • Site specific comments, with some support for smaller sites, but objection to the scale of larger sites, including for the impact on the character of the area • Site specific comments relating to the potential loss of the golf course • Site specific issues relating to traffic, access and highway capacity and harm to conservation areas • Site specific flooding and surface water drainage issues and potential harm to aquifers, and concerns around water supply
West Malling and Leybourne	<ul style="list-style-type: none"> • Site specific issues relating to loss of Green Belt, green space, AONB, impact on Conservation Areas. • Concerns over increase in traffic on rural roads, infrastructure demands and merging of settlements. • Lack of infrastructure concerns • Loss of agricultural land
Wrotham, Ightham and Stansted	<ul style="list-style-type: none"> • Site specific issues, including relating to AONB, transport and access and flooding issues • Comments relating to the role of the Green Belt in this locations, including prevention of settlement coalescence

1.19 Sustainability Appraisal responses

1.19.1 In addition to the above, over 2500 comments were received against the Sustainability Appraisal. Where relevant, these comments are in the process of being analysed by the consultants, who will then amend the Sustainability Appraisal document where required. These comments will form part of the SA appendix report and/or the local plan consultation statement alongside Regulation 18B.

1.19.2 Many responses queried the scoring of individual sites against the SA objectives, rather than commenting on the options, highlighting perceived inconsistencies in site scoring, and limited justification to explain these. Some respondents indicated the SA was too complicated and unwieldy, while others felt it was too simplistic and not based on sufficient evidence. Other responses considered that an option for delivering below OAN should have been tested, that the Green Belt was not considered when scoring sites or that the frequency transport services has not been factored into the assessment.

- 1.19.3 Other comments included loss of high-quality agricultural land, and the resulting impact on food production was not given sufficient weight in the SA. Concerns that the SA doesn't factor in existing infrastructure deficiencies or that climate change was not given sufficient weight in the SA. Others highlighted some inaccuracies in the data/assessment e.g. where a doctor's surgery had recently closed.
- 1.19.4 Other responses related more to the local plan, with some support for Spatial Strategy Option 1 and support for preventing the coalescence of settlements outside the Green Belt.

1.20 Next Steps

- 1.20.1 As above it is proposed that the team communicate with all respondents to inform them of their respondent IDs to allow them to search for the council response. The team will also be working with the Communications team to communicate that the outcomes of the Regulation 18 consultation are available to view, the next steps and the new local plan timetable.

1.21 Financial and Value for Money Considerations

- 1.21.1 There will be direct financial and value for money considerations associated with local plan preparation. To be able to meet deadlines within the proposed transition period (set out within the government's NPPF consultation) for the preparation of the local plan this means that there will be increased spend over the next five years. This was reported to members at the June meeting of this committee.

1.22 Legal Implications

- 1.22.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.23 Risk Assessment

- 1.23.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place, however current government proposals within the Levelling Up and Regeneration Bill would mean that the penalties of not having a plan in place may be weakened. There are reputational risks should the local plan programme not be delivered on time.
- 1.23.2 **Annex 4** shows the current local plan risks and issues, which includes two high risk items where risk escalation measures have been triggered. These relate to changes in political direction or delay to procurement or amendment of scope of the Green Belt study, including in light of NPPF consultation outcomes.

1.24 Equality Impact Assessment

1.24.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation will be undertaken in accordance with the new Statement of Community Involvement which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment is being undertaken alongside the preparation of the next stages of the Local Plan.

1.25 Recommendations

HPSSC is asked to recommend to Cabinet:

1.25.1 NOTE the output of the Regulation 18 consultation.

Background papers:

Annex 1- Full questionnaire outcomes

Annex 2- Questionnaire text answers

Annex 3- [Link](#) to Full consultation response documents

Annex 4- Current risks and issues

Annex 5- HPSSC December 2022 report

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