



# **Tonbridge and Malling Borough Council Local Plan 2011-2031**

## **Regulation 19 Publication Version**

### **Representation Form**

*Tonbridge and Malling Borough Council respects your privacy and is committed to protecting your personal data. Further details of our Privacy Notice following the introduction of the General Data Protection Regulation can be found on our website: [www.tmbc.gov.uk/privacy-notice-localplan](http://www.tmbc.gov.uk/privacy-notice-localplan)*

# A



Ref:

*(For office use only)*

## Tonbridge and Malling Borough Council Local Plan 2011-2031 Regulation 19 Publication Version – Representation Form

Please return by **4pm on Monday 19<sup>th</sup> November 2018** to: [localplan@tmbc.gov.uk](mailto:localplan@tmbc.gov.uk) or by post to: Planning Policy Manager, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ

This form has two parts:

**Part A** – Personal Details

**Part B** – Your representation(s). Please fill in a separate sheet for each representation you wish to make. Please see guidance note at the back of the form for definitions and details.

	1. Personal Details *	2. Agent's Details (if applicable)
Title	MRS	
First Name	SARAH	
Last Name	HUSEYIN	
Job Title (where relevant)	PARISH CLERK	
Organisation representing (where relevant)	Shipbourne Parish Council	
Address Line 1	GABLE COTTAGE	
Address Line 2	ISMAYS ROAD	
Address Line 3	IGHTHAM	
Postal Town	SEVENOAKS	
Post Code	TN15 9BE	
Telephone Number	01732 886402	
Email Address	shipbourneparishcouncil@gmail.com	

*\* If an agent is appointed, please complete only the Title, Name and Organisation boxes above in 1 but complete the full contact details of the agent in 2.*

**Please note:** Where an email address is given, this will be used as the primary means of contact.

Would you like to hear from us in the future? *Please tick appropriate box*

I would like to be added to the database to receive updates of the Local Plan ✓

B



REF:  
  
(For office use only)

**Tonbridge and Malling Borough Council  
Local Plan 2011-2031**

**Regulation 19 Publication Version – Representatic**

*Please note: Representations cannot be treated as confidential and will be published on our website alongside your name. If you are responding as an individual rather than a company or organisation, we will not publish your contact details (email / postal address and telephone numbers) or signatures online, however the original representations will be available for public viewing at our council office by prior appointment, as soon as reasonably practicable after the Local Plan and supporting documents have been submitted to the Secretary of State.*

**Part B – Please use a separate sheet for each representation**

*(Please note: Part A must also be completed)*

Name or Organisation:

3. To which consultation document does this representation relate? *Please tick appropriate box*

Local Plan (inc. Policies Map)	<input checked="" type="checkbox"/>	Sustainability Appraisal	<input type="checkbox"/>	Habitat Regs Assessment	<input type="checkbox"/>
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4. Topic. *Please select topic (also listed in guidance note) and then state policy/section*

Topic	CLIMATE CHANGE				
Policy	LP14,17,18,			Policy Map	
Paragraph				Sustainability Appraisal (SLAA ref number)	

5. Do you consider the Local Plan is:  
*Please tick appropriate box, see guidance note for definitions and details*

5. (1) Legally compliant	YES	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
5. (2) Sound	YES	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	Don't Know	<input type="checkbox"/>
4. (3) Compliant with the Duty to Co-operate	YES	<input type="checkbox"/>	No	<input type="checkbox"/>	Don't Know	<input type="checkbox"/>

6. Please provide details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance 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 NEGLECTS PROPER ATTENTION TO MITIGATION AND ADAPTATION TO CLIMATE CHANGE, DOES NOT COMPLY WITH NATIONAL POLICY NOR IS LEGALLY COMPLIANT: SHIPBOURNE PARISH COUNCIL (SPC) FINDS THE PLAN UNSOUND IN THIS RESPECT.**

In the light of the recent IPCC Special Report Global Warming of 1.5 °C and statement by the Secretary-General:

“.....to limit warming to 1.5°C will require urgent and far more ambitious action to cut emissions by half by 2030 and reach net zero emissions by 2050. This will take unprecedented changes in all aspects of society – especially in key sectors such as land, energy, industry, buildings, transport and cities. The coming period is critical. We must meet the Paris commitments to bend the emissions curve by 2020.”

The Parish Council decided at its October 2018 meeting that local action was needed at Parish and Borough level. In relation to the Local Plan it felt that it is vital that the LP should accept and reflect the responsibility to ensure that climate change adaptation and mitigation, in line with the provisions of the NPPF para 94-97 and 156, and the Climate Change Act 2008, is addressed in the plan. The Borough plan period to 2031 covers a critical time frame for the reduction of carbon emissions if emissions are to be cut by half by 2030. Tonbridge and Malling must play its part in areas where it has influence, like planning for development. As Borough residents, Shipbourne Parish Council supports and calls for the future proofing of new development in the Borough to cope with climate change impacts and the need to reduce carbon emissions for the health and security of next generations.

The NPPF sets out clearly the requirements of LPAs to address climate change in their Local Plans and the following Acts require LPAs to plan for mitigation and adaptation of climate change:

- Section 43 of the Planning and Energy Act 2008 (which provides powers to LPAs to set efficiency standards in new homes). As of 9th November 2018 amendments to the Act to reflect the WMS 2015 and the Deregulation Act 2015 have not been enacted and these powers remain.

<http://www.legislation.gov.uk/ukpga/2008/21/section/1> and  
<http://www.legislation.gov.uk/ukpga/2015/20/section/43>

It will not come into force until the Secretary of State states a day it will be appointed in a commencement order. Government policy meanwhile is that new dwellings meet a zero net carbon emissions standard from 2016.

- The Climate Change Act 2008; (PPG Paragraph: 002 Reference ID: 6-002-20140306) and NPPF Para. 94.
- The Planning and Compulsory Purchase Act 2004, particularly Section 19.1A requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change. This will be a consideration when a Local Plan is examined.” (PPG Paragraph: 002 Reference ID: 6-002-20140306)
- The NPPF 2012 Paras.93-104, & 156, and PPGs Paras: 001 Reference ID: 6-001-20140306 to 6-011-20140306

Particularly in relation to Section 19 of the PCPA and the provisions of the NPPF it is difficult to understand the LPA’s approach to the issue of climate change: Para. 4.10 .2 of the Reg. 19 LP quotes from the Written Ministerial Statement (WMS) in 2015

‘that local plans should not be setting any additional local technical standards or requirements relating to energy performance of new dwellings.’

For this has been superseded by more recent Government responses which emphasise the importance of LPAs taking a holistic understanding of climate adaptation, ranging from flood risk to increased temperatures and heat stress. Local plans need to play a full part in building community resilience to changing climate. For instance the Government’s response to the Draft National Planning Policy Framework published in July 2018 states:

“A number of local authority respondents stated the view that the text in the revised Framework restricted their ability to require energy efficiency standards above Building Regulations. TO CLARIFY, THE FRAMEWORK DOES NOT PREVENT LOCAL AUTHORITIES FROM USING THEIR EXISTING POWERS UNDER THE PLANNING AND ENERGY ACT 2008 OR OTHER LEGISLATION WHERE APPLICABLE TO SET HIGHER AMBITION. IN PARTICULAR, LOCAL AUTHORITIES ARE NOT RESTRICTED IN THEIR ABILITY TO REQUIRE ENERGY EFFICIENCY STANDARDS ABOVE BUILDING REGULATIONS. The Government remains committed to delivering the clean growth mission to halve the energy usage of new buildings by 2030.” (p.48. Government response to the draft revised

National Planning Policy Framework consultation July 2018, Ministry of Housing, Communities and Local Government -

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/728498/180724\\_NPPF\\_Gov\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728498/180724_NPPF_Gov_response.pdf)

Shipbourne has always considered the impact of climate change and the Shipbourne Design Statement adopted by the Borough Council in 2002 gives guidance on mitigation in its ' Guidelines for Development' : Page 28 para 6.:

'Environmentally sustainable solutions should be incorporated into the design of all new buildings and into extensions where feasible. These should include features to conserve energy and water. '

The current Managing Development and Environment DPD, and Climate Change Strategy 2011 have addressed planning for climate change and mitigation. It is disappointing that the Reg.19.LP does not take this approach further as required to do under the NPPF and legislation.

SPC make suggestions for 2 new policies below, one for all development and the other specifically for renewable energy installations. Further suggestions for modifications to LP14, in a separate representation also address mitigation and adaptation to climate change. There should also be supporting text in the LP around these new policies.

This might go some way to make the plan be legally compliant with the government policies and guidance set out above.

(Continue on separate page/expand box if necessary)

7. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at 6 above.

**Please note:** any non-compliance with the Duty to Cooperate is incapable of modification at examination.

You will need to say why this modification will make the Local Plan legally compliant or sound. It will 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 policy for Sustainable design, construction and energy, and renewable energy schemes which would go towards compliance with the NPPF and legal compliancy.

#### AN EXAMPLE FOR A POLICY ON SUSTAINABLE DESIGN, CONSTRUCTION AND ENERGY

1) Proposals for zero carbon development are supported. Applications for development, including refurbishment, conversion and extensions to existing buildings, should include information setting out how sustainable design and construction practice will be incorporated including, as applicable:

- (i) the efficient use of mineral resources and the incorporation of a proportion of recycled and/or secondary aggregates;
- (ii) waste minimisation and reusing material derived from excavation and demolition;
- (iv) the use of landform, layout, building orientation, massing and landscaping to reduce energy consumption;
- (v) water efficiency that meets the highest national standard;
- (vi) measures that enable sustainable lifestyles for the occupants of the buildings.

2) All developments should be fit for purpose and remain so into the future. Proposals for major development are required to set out in a sustainability statement how they have incorporated adaptations for a changing climate and changing weather patterns in order to avoid increased vulnerability and offer high levels of resilience to the full range of expected impacts. Smaller developments should include information proportionate to the size of the development in the planning application.

3) The development of low and zero carbon and decentralised energy, including combined cooling heating and power (CCHP) and combined heating and power (CHP) distribution networks, is strongly supported and encouraged.

4) Where (C)CHP distribution networks already exist, new developments are required to connect to them or be connection-ready unless it can be clearly demonstrated that utilizing a different energy supply would be more sustainable or connection is not feasible.

5) All sufficiently large or intensive major development, must



demonstrate that (C)CHP has been given adequate consideration as the primary source of energy.

6) Planning applications must include adequate information to demonstrate and quantify how proposals comply with the energy requirements at paragraphs of 4&5 this policy. For major development, this should take the form of an energy statement.

Or something more like Policy CC1 1 and CC.2 and supporting guidance of the current MDEDPD.

#### AN EXAMPLE FOR A PROPOSED POLICY FOR RENEWABLE AND LOW CARBON ENERGY SCHEMES:

1. Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals:

- i. The cumulative impact of such proposals in the local area;
- ii. The landscape and visual impact of development;
- iii. The impact on heritage assets and their setting;
- iv. The impact of proposals on the amenities of local residents, e.g. noise generated;
- v. The impact on the local transport network; and
- vi. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.

2. Preference will be given to existing commercial and industrial premises, previously developed land, or agricultural land that is not classified as the best and most versatile.

3. Provision through agreement and conditions for the restoration and return of the land to its previous use and condition must be made for when the installations cease operation.

(Continue on separate page/expand box if necessary)

**Please note:** your representation should cover succinctly all the information, evidence and information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

8. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? *Please tick appropriate box*

**NO**, I do not wish to participate at the oral examination

**YES**, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

In order for a representative from Shipbourne Parish Council to engage and contribute to any discussion on climate change.

(Continue on separate page/expand box if necessary)

**Please note:** the Inspector will determine the most appropriate procedure to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

Date:

