



# **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:  
  
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**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	DESIGN				
Policy	LP14		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 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.

**LP14. ACHIEVING HIGH QUALITY SUSTAINABLE DESIGN  
UNLESS GREATER GUIDANCE IS PROVIDED IN TEXT AND POLICY REGARDING  
ACHIEVING HIGH QUALITY SUSTAINABLE DESIGN THE LOCAL PLAN WILL FAIL  
ON THE TEST OF SOUNDNESS.**

Paras 156 and 157, of the NPPF emphasise the importance of providing guidance for development on topics covering natural environment, design, historic environment, climate change, and healthy communities. NPPF chapters on these topics all require LPAs to provide more detailed local guidance reflecting local needs and conditions beyond the framework provided by the NPPF.

LP14 Achieving high quality sustainable design is lacking in its neglect of providing sufficient guidance on what it required for developments in relation to climate change, blue green infrastructure and spaces, and conservation and enhancement of the historic environment.

**SUPPLEMENTARY PLANNING DOCUMENTS:**

The Borough Council has a number of adopted SPDs which para 8.35 of the VIABILITY STUDY states will be superseded by the new Local Plan. This is a misnomer. They cannot be superseded unless replaced by other plans. There are no plans to update these and the Local Plan has no policies, guidance or criteria replacing them. Therefore they are abolishing them. If this is correct the plan must fail. It is ineffective. It relies upon the Kent Design guide which is generic and the NPPF, which is an overarching FRAMEWORK within which LPAs are required to provide more detailed guidance. Decision making will be left to the subjective decision of the Borough. Guidance is lacking for developers. Clear guidance for developers and decision makers is necessary to fulfil the requirements of the NPPF. Character Area Appraisals are adopted SPDs. They are important guidance and should be saved and mentioned in LP14. Other adopted SPDs and guidance (SPGs) which are currently material considerations should also be mentioned in policy, and SAVED. IF THERE IS NO INTENTION OF SAVING THIS GUIDANCE THEN THE LOCAL PLAN IS UNSOUND.

**THERE IS INSUFFICIENT GUIDANCE IN THE LOCAL PLAN TO FULFIL THE REQUIREMENTS OF THE NPPF. IT DOES NOT COMPLY WITH NATIONAL**

POLICY. NPPF Paras. 17, 56-62, 70, 75, 93-95,123 -126. PPG Para. 003 Reference 10; 26-003-20140306; Para. 004 Reference Id 18a-004-20140306. 004 Reference ID: 6-004-20140612 and Para: 005 Reference ID: 6-005-20140306.

We have suggested some changes to Policy LP14 which will go some way to addressing these problems.

(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.

Suggested changes to LP14 to ensure the Local Plan is sound with respect to achieving high quality sustainable design.

1) Development must:

- a. protect the local distinctiveness of the area including the setting and pattern of the settlement, its historical and architectural interest and historic landscape character; and
- b. protect the amenity of the local area, including any important prevailing features, heritage assets and characteristics; and
- c. be well designed and of a high quality in terms of detailing and use of materials and through its scale, density, layout, siting, character and appearance be designed to respect the site, its surroundings, and the setting of heritage assets;
- d) be designed with regard to efficient use of natural resources
- e) Provide a proportionate sustainability statement setting out how policy x on climate change has been addressed.

2) Development should be designed to:

- a) maximise opportunities to reduce energy demands through the orientation of buildings to benefit from passive solar gain to maximise the use of the sun's energy for heating and cooling;
- b) maximise opportunities for landscaped open spaces which will provide deep shade in perpetuity to mitigate the impact of rising temperatures and increased run off;
- c) will be designed in a manner that ensures physical capability to support technological and digital advances;
- d) deter crime and reduce the fear of crime;
- e) maximise opportunities for healthy active lifestyle choices including access to open spaces, dedicated pedestrian and cycle infrastructure and the creation of a high quality public realm;
- f) ensure appropriate CONNECTIVITY TO existing street patterns and creates safe and accessible spaces.
- g) maximise opportunities for achieving net biodiversity gains.
- h) maximise the opportunity for and linkages between green spaces, linear green and blue infrastructure and public places, and include high quality landscaping that reflects the local distinctive character.
- i) maximise opportunities to conserve and enhance heritage assets and historic landscapes whether designated or not.

3) The Council will expect large schemes or ANY development impacting on sensitive sites such as designated areas and heritage ASSETS to be subject to assessment by a DESIGN REVIEW PANEL.

4) STRATEGIC SITES:

All allocated strategic sites will require a Master Plan which includes and reflects:

- a) The EIA
- b) An Historic Landscape Character Assessment, Heritage Statement and Archaeological Assessment
- c) A Landscape Character Assessment and a Landscape and Visual Impact Assessment (LVIA)
- d) A Sustainability Statement and Energy Plan setting out how the matters in (the new)

sustainable construction policy 'X' have been addressed.

- e) A flood risk and ground water flows assessment, land drainage assessment and SuDs in accordance with revised LP17 and LP18.
- f) A travel plan which show connections by walking, cycling and public transport.
- g) Liability for and a scheme for funding the long term management of public areas, boundaries, open space, trees and blue/green infrastructure and SuDs.
- h) Blue/Green infrastructure plans relating to SuDs and existing water bodies and water courses and a new landscape structure reflecting a), b) and c) above.
- i) Other assessments required as set out in the policy for each site and which should demonstrate the following;
  - Provides a cohesive, distinctive and vibrant neighbourhood with a sense of place that responds to its setting and local character;
  - Creates functional, accessible and well connected public spaces;
  - Supports mixed use tenures in accordance with policy LP39;
  - Is adaptive and resilient to future changes in technology, changes in temperature and weather conditions and availability of water and energy;
  - Encourages ease of movement and provides access to services and facilities;
  - Provides infrastructure and public facilities specifically as required and set out for by policy for each strategic site;

5) DEVELOPMENTS IN VILLAGES AND SMALLER SETTLEMENTS;

Both traditional and innovative design which respects the historic fabric and character of the area will be encouraged where particular regard is taken of:

- a) the distinctive settlement pattern and the important relationship between the built development and the surrounding landscape;
- b) the historic character of the built environment;
- c) important views of the settlement from the surrounding landscape;
- d) views within the settlement of local landmarks;
- e) Revised LP5

6) Proposals will take account of local design guidance contained within Conservation Area appraisals, SAVED adopted Character Assessment SPDs and adopted Town and Village Supplementary Planning Guidance (SPGs)<sup>1</sup> and all other policies in this Local Plan.

<sup>1</sup> All Adopted SPDs and SPGs which relate to Character Area Appraisals and e.g. Village Design Statements, Equestrian Guidance, AONB Management Plans and their supporting guidance documents, Kent Farmstead Guidance and all other adopted guidance need to be mentioned in relevant policies and or supporting text and listed in an appendix as material considerations in determining planning applications. If these are not mentioned in the Local plan policies where relevant, and SAVED as material considerations, the Local Plan is UNSOUND in non-compliance with the requirements of the NPPF. There is insufficient guidance in the LP without these adopted SPDs and SPGs.

(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:

To ensure that a representative/s from Shipbourne Parish Council are part of the discussion around the changes which are necessary to make the Local Plan sound and protect the environment of the Parish .

(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:

