



Tonbridge and Malling Borough Council Local Plan 2011-2031

Regulation 19 Publication Version

Representation Form

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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 19th November 2018** to: 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)	SHIPBOURE PARISH CONCIL	
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		

** 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
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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 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	OTHER; HISTORIC ENVIRONMENT
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Policy	LP11
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Policy Map	<input type="checkbox"/>
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Paragraph	<input type="checkbox"/>
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Sustainability Appraisal (SLAA ref number)	<input type="checkbox"/>
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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.

LP11 DESIGNATED AREAS AND LP14 ACHIEVING HIGH QUALITY SUSTAINABLE DESIGN.

THERE IS NOT A POSITIVE STRATEGY SET OUT IN THE REG 19.LP REGARDING HISTORIC ENVIRONMENT AND THEREFORE THE PLAN IS NOT COMPLIANT WITH THE NPPF PARAS 126,156 AND 157, AND AS A RESULT UNSOUND IN THIS RESPECT.

Para 126 of the NPPF indicates that LPAs should set out in their plans a positive strategy for the conservation and enjoyment of the historic environment, recognising that heritage assets (whether designated or not) are an irreplaceable resource. Paras 156 and 157 emphasise the importance of setting out strategic policies to deliver conservation and enhancement of the natural and historic environment and crucially plans should identify land where development would be inappropriate, for instance because of its environmental or historic significance, and contain a clear strategy for enhancing the natural, built and historic environment.

There is no historic environment policy in the T&M LP. This therefore needs to be covered by LP14 and/or have its own policy. LP11 is inadequate. Furthermore there is no supporting text relating to the historic environment or the Borough's wealth of heritage assets. The Borough has a particularly rich legacy of Historic Parks and Gardens as well as many Listed buildings and other heritage assets. Mentioning these in supporting text would indicate the importance the Borough places on its historic environment. It unfortunately does not.

The approach the Borough takes to the conservation and enhancement of its heritage assets is not mentioned in the Reg19 LP at all. It is not even mentioned as a topic in the Reg. 19 LP consultation representation form. The Borough's rich heritage is central to the vitality and character of its towns, villages, hamlets, settlements and countryside. This should be recognised and championed and guidance provided on how the Borough will determine applications that impact on its historic landscape and buildings. The framework provided in the NPPF helps developers understand the policy framework within which their application will be determined in terms of significance and the great weight that planning authorities will give to

heritage assets, but it does not indicate the SPECIAL CHARACTERISTICS OF PLACE – THE SPECIAL QUALITIES OF THE BOROUGH - THAT SHOULD BE HIGHLIGHTED IN THIS LOCAL PLAN.

Shipbourne Parish is not alone in its wealth of characterful designated and undesignated heritage assets and its 3 Conservation Areas. The approach the Borough takes and the importance it puts on the conservation and enhancement of these assets is therefore of great importance to the Parish. Shipbourne's character is already being eroded by a lack of understanding of sympathetic design relating to both listed and unlisted buildings and their settings. The Borough under the NPPF has to give great weight to the conservation and enhancement of heritage assets and therefore the Local Plan should reflect this intent. The single sentence in LP11 is insufficient to reflect this responsibility.

Mention should be made of the Borough's adopted Character Area Appraisal SPDs other adopted local design guidance such as Village Design Statements and any emerging and future Neighbourhood Plans. 'The Kent Farmstead Guidance' produced by Historic England is a Kent wide document which should also be mentioned in the text as adopted guidance. It covers the whole of the Borough.

Mention of guidance such as this would help indicate the weight that the Borough puts on the conservation and enhancement of its heritage assets. The statement in the Viability Study:

Para. 8.35: 'The Council has a number of adopted SPDs. These will be superseded by the new Plan.'

Is of great concern to Shipbourne Parish Council and makes the necessity for a specific policy on heritage and the historic environment even more important.

It is important that all adopted SPDs which relate to Character Appraisals and Village Design Statements, Equestrian Guidance, AONB Management Plans and their supporting guidance documents, Kent and Kent Downs AONB Farmstead Guidance and all other adopted guidance are mentioned in relevant policies and/or supporting text are listed in an appendix as material considerations in determining planning applications. Shipbourne has its own Shipbourne Design Statement (2002) which is adopted by Tonbridge and Malling as supplementary planning guidance (SPG). It is important that this remains a material consideration in planning decisions.

We have provided a suggestion for a new historic environment policy below and we have also provided amendments to LP14 (in a separate representation form) to ensure that the historic environment is given

sufficient weight throughout the Local Plan.

(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.

LP11 PROVIDES INSUFFICIENT GUIDANCE FOR DEVELOPERS AND DECISION MAKERS. THERE SHOULD BE AN EXPLANATION IN THE TEXT ON THE CONSIDERATION THAT THE COUNCIL GIVES TO HERITAGE ASSETS IN THEIR AREA AND GUIDANCE FOR DEVELOPERS AND DECISION MAKERS ON THE LOCAL INTERPRETATION OF THE PROVISIONS OF THE NPPF.

WITHOUT A POLICY ADDRESSING HISTORIC ENVIRONMENT THE PLAN IS UNSOUND.

Suggested new policy:

Historic Environment; Heritage Assets.

(1) Heritage assets (whether designated or not) are an irreplaceable resource; applications impacting on heritage assets will be determined in accordance with the provisions of the NPPF;

(2) The historic environment will be conserved and enhanced in a manner appropriate to its significance. Development that is of the highest design quality that sustains, conserves and enhances the special interest, character and significance of the borough's heritage assets and their settings and makes a positive contribution to local character and distinctiveness will be supported;

(3) In all instances, regard should be had to the Character Area Appraisals SPD, Conservation Area Appraisals and any Village Design Statements, (where these have been adopted by the Borough Council) and the Kent Farmstead Guidance. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.

4) All new development should protect, conserve and enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views;

and
(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

We have also provided amendments to LP14 (in a separate representation form) to ensure that the historic environment is given sufficient weight throughout the Local Plan.

(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:

Shipbourne Parish Council wishes a representative from the Parish Council to take part in discussions over the formulation of a new policy to address Historic Environment and to ensure the plan in sound.

(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:

