



# **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: SHIPBOURNE PARISH COUNCIL

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 OTHER: SETTLEMENT HIERARCHY

Policy LP5

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.

LP5 SETTLEMENT HIERARCHY IS INADEQUATE TO PROVIDE SUFFICIENT GUIDANCE AS REQUIRED BY THE NPPF. THIS MAKES THE LP UNSOUND: Shipbourne is a rural village washed over by Metropolitan Green Belt and the Kent Downs Area of Outstanding Natural Beauty. It is covered by policies relating to 'Development in Rural Areas' in the Settlement Hierarchy. Due to its very rural nature the changes to farms, land use and agricultural land by development listed in item 5 of policy LP5 make a significant impact on the environment of the parish. The previous policies in the current 'Managing Development and the Environment DPD' had helpful policies relating to equestrian development, tourism and leisure, and farm diversification, but these have been reduced or left out. The loss of MDEDPD Policies DC1, 2, 3, 4, 5, 6&7 and CC4 is regretted\*. They provided useful guidance for developers and decisions makers and are not updated and/or replaced in the Reg19. LP. The NPPF indicates clearly under each topic and in paragraphs 156- 182 what should be addressed in the Local Plan. Particularly Para. 156 requires that strategic policies should deliver '... conservation and enhancement of the natural and historic environment, including landscape.'

We believe that the Local Plan relies too heavily on the NPPF for development management purposes. The NPPF is properly named – a FRAMEWORK – within which Local Authorities work to deliver a Local Plan for guiding developers and determining applications in line with local needs and character; Para.157 indicating that Local Plans should 'Provide detail on form, scale, access and quantum of development where appropriate; and Chapter 7 Paras 56-62 indicating the importance of policies on local design guidance.

THE PLAN IS UNSOUND BECAUSE THE LOCAL PLAN DOES NOT COMPLY WITH THE NPPF. IT DOES NOT PROVIDE THE LOCAL GUIDANCE THAT IS REQUIRED BY THE NPPF Paras. 17, 56-62, 70, 75, 93-95,123 -126 156 &157.

The Development Management policies and criteria relating to 'developments in rural areas' in (LP5) are inadequate guidance for both developers and decision makers. In particular guidance is lacking for farm diversification and equestrian use, replacements and conversions, infilling and development that is necessary for forestry or agriculture, affordable housing where found to be acceptable under policy LP6, and any other development where found to be acceptable due to exceptional circumstances. The loss of so many MDEDPD policies leaves rural areas very vulnerable to development that is of poor

quality and does not respect the quality and character of the natural and built environment of the Borough. This is not what is meant under the requirements of the NPPF.

Equestrian: In order for Shipbourne Parish Council to carry out its duty of regard under the Countryside and Rights of Way Act 2000 (CROW Act) vigilance and policies supporting the conservation and enhancement of our AONB Parish are important. Equestrian use is increasing and unless carefully undertaken can have a major degrading impact on the landscape. The 'Managing land for Horses' is Kent wide advice (although also part of the suite of guidance making up the Kent Downs AONB Management Plan). It needs to be mentioned in the plan under policy LP5 to cover ALL areas both in, and out of the Kent Downs AONB.

Of concern: The Viability Study Para. 8.35 states:

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

Does this mean that 'Managing Land for Horses: a guide to good practice' adopted July 2011, will be 'superseded' (i.e. abolished) by the emerging Local Plan? THE PARISH COUNCIL IS VERY CONCERNED ABOUT THIS AND WISHES THE 'MANAGING LAND FOR HORSES' TO REMAIN AS ADOPTED GUIDANCE AND OF MATERIAL CONSIDERATION IN PLANNING DECISIONS ACROSS THE BOROUGH.

We make some suggestions for modifying LP5 section on equestrian.

Farm Diversification, tourism and leisure: Local built and landscape character needs special attention and design criteria addressing building scale, layout, orientation and materials should be set out in line with NPPF para. 58. and 59. We address farm viability and diversification and leisure and tourism sections in our suggestions to changes to LP5.

Generally there is little guidance on design and conservation and enhancement of the natural and historic environment and local character other than in LP14, however this is inadequate without further sign posting to local character design guidance. This is of great concern to SPC and we also address this in our representation under a separate topic and LP14.

\* MDEDPD policies DC1: Reuse of rural buildings, DC2: Replacement of rural buildings, DC3: Farm Diversification, DC4 Equestrian Activity, DC5: Tourism and Leisure in rural areas, DC6: Rural Lanes & DC7: Community facilities in rural areas:

[https://www.tmbc.gov.uk/data/assets/pdf\\_file/0012/14043/MDE DPD April 2010.pdf](https://www.tmbc.gov.uk/data/assets/pdf_file/0012/14043/MDE_DPD_April_2010.pdf)

(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.*

We make some suggestions below in relation to changes to LP5, Equestrian use, Farm viability/diversification and Leisure and Tourism which we suggest would go towards making the plan sound by responding to the requirements of the NPPF 2012 paras 56-62 & 156-182.

#### SUGGESTED MODIFICATIONS TO LP 5. (INDICATED IN CAPITALS)

‘4. Development outside the confines of the Urban Areas, Rural Service Centres and Other Rural settlements but within the Green Belt will need to meet the requirements of Policy LP11, and in the case of rural exception sites LP11 and LP6 **AND (REVISED)LP14** in the Local Plan.’

5. Outside the confines of the Urban Areas, Rural Service Centres and Other Rural Settlements development will be restricted to:

- a. limited infilling development where it does not erode the identity of settlements or harm the setting or character of a settlement; or,
- b. the one-for-one replacement, or appropriate extension, of an existing building provided it would be proportionate to the size of the existing building; or,
- c. the conversion or change of use of an existing building; or
- d. development that is necessary for the purposes of agriculture or forestry, including essential housing for farm or forestry workers; or
- e. development required for the limited expansion of, or improvement to, an existing authorised employment use; or
- f) **DEVELOPMENT THAT SECURES THE VIABILITY OF A FARM AS AN AGRICULTURAL BUSINESS, WHERE APPROPRIATELY LOCATED BUILDINGS ARE REUSED, NEW AND REPLACEMENT DEVELOPMENT IS IN SCALE AND RELATES WELL WITH FARMSTEAD BUILDINGS AND LANDSCAPE AND WHERE THERE WOULD BE NO UNACCEPTABLE ADVERSE IMPACTS ARISING FROM NOISE, LIGHTING, TRAFFIC GENERATION, THE CHARACTER OF RURAL ROADS AND ACTIVITY AT UNSOCIAL HOURS.**
- g) tourism and leisure development where it is evident that it will:
  - **SUPPORT THE LOCAL ECONOMY**
  - **AVOID THE IRREVERSIBLE LOSS OF MOST VERSATILE AGRICULTURAL LAND AND/OR DOES NOT RESULT IN THE FRAGMENTATION AND /OR**

SEVERANCE OF AN AGRICULTURAL LAND HOLDING CREATING A NON-VIABLE AGRICULTURAL UNIT,

- AVOID UNACCEPTABLE IMPACT ON THE CHARACTER OF RURAL ROADS ,
- AVOID UNACCEPTABLE IMPACTS ARISING FROM LIGHTING, TRAFFIC GENERATION, NOISE AND ACTIVITY AT UNSOCIAL HOURS

h) Equestrian related activities

ADD (VI) PROPOSALS SHOULD BE ACCOMPANIED BY A LAND MANAGEMENT PLAN IN ACCORDANCE WITH THE GUIDANCE IN THE COUNCIL'S 2011 ADOPTED 'MANAGING LAND FOR HORSES: A GUIDE TO GOOD PRACTICE' Policies to replace MDEDPD Policies DC1: Reuse of Rural Buildings, DC2: Replacement Rural Buildings, DC3: Farm Diversification, DC 4: Equestrian Activity, DC5: Tourism Leisure in Rural Areas, DC6: Rural Lanes & DC7: Community Facilities in rural areas should also be added

Suggested modifications to LP14 are set out under a separate topic – DESIGN- and Policy LP14.



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**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 Shipbourne Parish Council is represented in any discussion on policies relating to their concerns as set out above.

(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:

