



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)	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

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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: 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; WHOLE PLAN
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Policy	LP5,11,12,14,29
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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 checked="" type="checkbox"/>	No <input type="checkbox"/>	Don't Know <input type="checkbox"/>
5. (2) Sound	YES <input checked="" type="checkbox"/>	No <input 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.

SHIPBOURNE PARISH COUNCIL

SUMMARY OF REPRESENTATIONS MADE ON TONBRIDGE AND MALLING REG19 LOCAL PLAN

Shipbourne Parish Council's (SPC) appreciate being consulted on the Reg. 19 Local Plan and have a number of concerns and representations covering several topics and policies. Unfortunately we believe that the issues we raise all require changes to the Local Plan to ensure that it is a sound plan.

The SPC comments on the Reg.19 Local Plan (LP) are submitted under separate topics and policy headings in accordance with the guidance supplied by Tonbridge and Malling Borough Council (T&MBC).

These are summarised below:

1. Support

In the call for sites 10 sites were put forward within Shipbourne Parish. These have not been allocated, and WE SUPPORT THE LOCAL AUTHORITY'S ASSESSMENT OF THESE SITES AS BEING UNSUITABLE. We give reasons under the topic 'Housing'.

2. SPC supports the classification of Shipbourne on the Settlement Hierarchy as an 'other rural settlement' but has concerns about the supporting policies. These have been watered down from the 'Managing Development and Environment DPD' and as a result leave Shipbourne vulnerable in various ways. We have therefore objected to and find the plan unsound on a number of policies in the Reg.19 LP under a number of topic headings as set out below.

3. The possibility of future threat to Shipbourne for development is apparent from the call for sites information and the response of the developer to the Reg.18 consultation. It is vital therefore that the policies in the Local Plan are robust enough to withstand and influence the quality of future planning applications. Continued changes to existing buildings and their setting is changing the character of the village and strong development management policies that guide and support both proposers as well as decision makers are needed to conserve and enhance our AONB village for the future.

Shipbourne Design Statement:

Pages 20 – 29 of the Shipbourne Design Statement were adopted by the Council in 2002 as Supplementary Planning Guidance. However, the Viability Study Para. 8.35 states: 'THE COUNCIL HAS A NUMBER OF ADOPTED SPDS. THESE WILL BE SUPERSEDED BY THE NEW PLAN'. It is very unclear whether the Character Appraisals SPDs and other adopted guidance such as the 'Shipbourne Design Statement' adopted 2002 and the 'Managing Land for Horses: a guide to good practice' adopted July 2011, will all be 'superseded' (i.e. abolished) by the emerging Local Plan. THE

PARISH COUNCIL IS VERY CONCERNED ABOUT THIS AND WISHES THE SHIPBOURNE DESIGN STATEMENT TO REMAIN AS ADOPTED GUIDANCE AND OF MATERIAL CONSIDERATION IN PLANNING DECISIONS.

WE HAVE THEREFORE LOOKED VERY CAREFULLY AT POLICIES IN THE REG.19. LP AND FIND THEM LACKING AND UNSOUND. We have made separate responses under policies: LP5 Settlement Hierarchy; LP12 AONB; LP14 Achieving High Quality Sustainable Design; and propose other policies to cover heritage assets and climate change.

- a) LP5 Settlement Hierarchy; SPC FIND LP5 UNSOUND IN RELATION TO THE PROVISIONS OF THE NPPF. We give reasons and suggestions for changes in the policy to address soundness; the Parish Council has made a separate response under Topic 'Other'- SETTLEMENT HIERARCHY, Policy LP5.
- b) Shipbourne Parish is washed over by Green Belt and is in the Kent Downs AONB. The policies relating to these two designations are vital to Shipbourne. The wording of the AONB policies is inaccurate, not legal and does not comply with national policy and so makes the plan unsound. THIS REQUIRES A MAJOR MODIFICATION TO MAKE THE PLAN SOUND. SPC has made a separate response under Topic AONB Policy LP12.
- c) Historic Environment: Shipbourne has a rich built and natural heritage, as does the whole Borough. Historic Environment and Heritage Assets are not flagged as a topic nor addressed sufficiently well in the LP despite the requirements of the NPPF to do so. SPC FIND THE PLAN UNSOUND IN RELATION TO HISTORIC ENVIRONMENT and have made separate responses under Topic 'Other'- HISTORIC ENVIRONMENT AND HERITAGE ASSETS and Policy LP11 & Topic DESIGN Policy LP14.

- d) 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 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 and Tonbridge and Malling must play its part in areas where it has influence, like planning for development. As Borough residents, Shipbourne Parish Council supports 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 LOCAL PLAN NEGLECTS PROPER ATTENTION TO MITIGATION AND ADAPTATION TO CLIMATE CHANGE: SPC FINDS THE PLAN UNSOUND IN THIS RESPECT. SPC has made separate

responses under the topics of: Topic CLIMATE CHANGE - new SUSTAINABLE CONSTRUCTION AND DESIGN POLICY , and Topic DESIGN policy LP14.

- e) SHIPBOURNE PARISH COUNCIL SUPPORTS THE WROTHAM AND BOROUGH GREEN ALLIANCE IN ITS OBJECTION TO THE ALLOCATION OF STRATEGIC SITE 'BOROUGH GREEN GARDENS'. IT IS UNDELIVERABLE WITHIN THE TIME PERIOD OF THE PLAN DUE TO A WIDE RANGE OF DIFFICULTIES AND CONSTRAINTS (as set out by the Wrotham and Borough Green Parish Alliance in their representation) WHICH MAKE THE PLAN UNSOUND.
- SPC's particular concerns (as well as others set out in the Wrotham and Borough Green Parish Alliance representations) are relating to the highway infrastructure around Shipbourne Parish. The A227 should have by now been downgraded to a 'B' classed road as promised following the widening of the A228 which is the principal north south link in the area. The A227 is a dangerous road (and not up to 'A' road status), narrow, winding and of various cambers and gradients, cutting straight through the middle of the village. In common with the rural roads running through Shipbourne it acts as a commuter route at peak times. If the proposed 'Borough Green Gardens' allocation is built out the traffic through the village on the A227 and along the rural roads acting as cross routes will increase the degradation of the rural roads' nature and increase danger to local users. The A227 will become congested in a similar way to those roads that serve Kingshill from all directions.
- THE PARISH COUNCIL HAS MADE A SEPARATE RESPONSE UNDER TOPICS 'HOUSING' AND POLICY LP29.

BECAUSE OF THE DEFICIENCIES IN THE PLAN, AS SET OUT IN MORE DETAIL IN OUR REPRESENTATIONS ON INDIVIDUAL TOPICS AND POLICIES, SHIPBOURNE PARISH COUNCIL SUBMITS THAT THE PLAN IS UNSOUND:

It does not comply with Legal and procedural requirements and the tests for soundness.

(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.

SPC suggest modifications under separate representation forms relating to the following:

LP5, LP11, LP12, LP14, LP29

And topics: AONB, Climate change, Design, Historic Environment, Housing and infrastructure/Strategic sites.

(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*

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 wish a representative to attend the oral part of the Examination to ensure that SPC is represented in discussion on matters relating to those set out above and in the separate representations made under policies: LP5, LP11, LP12, LP14, LP29 and topics: AONB, Climate change, Design, Historic Environment, Housing and infrastructure/Strategic sites.

(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:	
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Date:	
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