



HOUSE OF COMMONS

13 November 2018

LONDON SW1A 0AA

Planning Policy
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Dear Sir/Madam,


Please take this letter as my response to the consultation on the draft Tonbridge and Malling Borough Local Plan. As you may expect, this plan has caused a great deal of interest in the local community since its publication earlier this year. Once the consultation opened last month, I have encouraged as many residents as possible to respond to it.

The National Planning Policy Framework (NPPF) makes clear at paragraph 155 of the 2012 National Planning Policy Framework that the community "should be proactively engaged". Since the introduction of the NPPF in 2012, the way that future housing growth is planned has fundamentally changed. This plan will alter any development in Tonbridge and Malling borough and it is right that people take the opportunity to comment on a matter that will affect all our lives.

During this response I will reference a number of policies in the 2012 NPPF, as Tonbridge and Malling Borough Council (TMBC) intend to submit this document to the Ministry for Housing, Communities and Local Government before 24 January 2019, meaning the plan will be judged under the 2012 NPPF. Many of these will be replicated in the revised NPPF, albeit with different paragraph numbers.

I appreciate that under the plan-making process the next stage is for it to be considered by a Government Inspector. As one of the Members of Parliament for this community, I recognise that my role is to represent the whole of Tonbridge and Malling constituency to the Planning Inspector, and this is what I shall be doing.

I also recognise that the development of the plan so far has been through Tonbridge and Malling Borough Council. I have specifically not made any comment up until this point. This is because it would have been counterproductive. The decisions until this stage of the plan making process have been devolved from Parliament to local councillors to make on the basis of their own local knowledge. They would, rightly, not thank MPs for trying to muscle in on their area of responsibility, not least because MPs do not have the expertise or the staff to come to a view about every site put forward as part of the call for sites. There have also been occasions on which I have been asked for help by both supporters and opponents of a potential allocation, so have found it best to limit myself to ensuring that all representations are taken into account by those who, unlike me, have the power to shape the plan until this moment.



Therefore, this letter is mindful of the role of the local planning authority, but also of the Planning Inspectorates role as an arm of the Ministry for Housing, Communities and Local Government. As an appointment made by Government the Inspector must take into full account all the relevant policy points which are put forward by members of the public through this consultation. I will be closely scrutinising the Inspector to make sure this is the case.

The regulation 19 consultation is the stage of the process where any resident gets their say, and their arguments must be considered. Throughout the consultation interest in the Plan has been incredibly high. Parish Councils, Residents Groups and community organisations have engaged fully with the process. It is therefore essential that their strong representations are assessed fully by the Inspector and their views are given the most weight when coming to a final decision.

As a representative of the whole community it is not right for me to favour one town or village over another. Ultimately, this is a plan that affects each and every community in the borough in one form or another, as well as everyone who works and visits the area. The needs of every community ought to be taken into account in the Plan.

It is also why it is crucial that TMBC has a Local Plan in place as quickly as possible. It is important that local planning authorities demonstrate they have a 5-year housing land supply, so they can properly plan the best development for the borough's particular needs. This not only ensures power for determining local planning decisions remains with our excellent local representatives, who truly have the interests of the community at heart, but it also means that speculative planning applications can be robustly challenged by the council. Therefore, I would urge the Inspector and TMBC to make sure that a sound Local Plan is adopted as soon as possible in order to provide certainty to residents and businesses about the shape of the borough until 2031.

The requirement to plan development in advance can often mean the planning process stretches into a number of years, and in some instances, decades but there is a good reason for this. It is the argument which I hear almost every time I hold a surgery. That is, it is becoming increasingly difficult for our young people to be able to live in the community where they grew up, and make it their home for the future.

Being within commuting distance of London, close to the country's main port at Dover, and in one of the most economically successful parts of the whole country, Tonbridge and Malling borough has plenty attracting people to live here. However, we have an obligation as a community to make sure that we support policies which enable future generations, educated at our excellent primary and secondary schools, to be able to build their lives here. This means providing more housing, particularly truly affordable housing, and keeping towns and villages vibrant with a strong sense of community. This should be the overarching theme running through the Local Plan, and I am glad it is referenced in the forward by the Leader of the Council, Nicolas Heslop and Cabinet Member, Howard Rogers.

But we also need transport infrastructure to cope with new and existing housing. Each day on the roads there are queues developing somewhere in the area. Whether this be longstanding traffic around Junction 4 of the M20, heading southbound on the Hadlow Road into Tonbridge town centre or at the Wateringbury crossroads, there is a pressing need for this Local Plan to address some of the key concerns of residents, and not add to them.

The Framework rightly promotes public transport in paragraph 35 of the 2012 NPPF, and I am glad that the Draft Local Plan promotes this too through policy LP23. However, we cannot rely on public transport alone to solve our transport difficulties. Local bus services get caught in traffic, just like every car does, the train service is barely reliable, particularly on the Maidstone East line. Being a rural borough means walking is often not an option for many too. So, this Local Plan needs to put infrastructure delivery at the front of it, as new housing cannot develop without infrastructure being significantly improved across the borough.

I appreciate this will rely on TMBC working closely with other authorities, such as Kent County Council, Network Rail, Highways England and bus and train operators to make them deliver the improvements to cater for an increased population. This is an essential part of the plan and I would welcome greater detail on the improvements that are going to be made, through this plan, to transport infrastructure across the borough.

Clearly, the strategy which TMBC have proceeded to look at involves five strategic sites, of which three fall in the Tonbridge and Malling constituency. I will therefore only comment on the suitability of these three specifically, rather than comment on every allocation in the plan. These are the ones which I have heard the most concern. The biggest allocation, and one which I have had the most representations about, is Borough Green Gardens, LP29.

First, the allocation of this site for 1,720 dwellings in this plan period, with an additional 1,200 in the post-plan period, provides some certainty in terms of the plans which TMBC would like to pursue for development in this area over the next half a century. Developments of this scale may be few and far between across Kent now but, around 50 years ago, this scale was much more regular. Therefore, considering the scale, it is absolutely crucial that the infrastructure provided is of a suitable standard to mitigate for a development which would fundamentally change the community of Borough Green, as well as Platt, Ightham and Wrotham as we know it today.

First, it is essential that a relief road not just be provided, but that it will be completed in full before any houses are built. The A25 through Borough Green is part of an Air Quality Management Area and is already frequently congested at peak times. Speeding along the road, particularly through Platt, remains an issue too and the absence of slip roads at Junction 5 of the M25 results in large numbers of HGVs using the A25 to get to Sevenoaks. Any development that will encompass an area which is almost the size of the existing conurbation needs to deliver vast road improvements. This would be consistent with the requirements of the NPPF to develop a plan which is positively prepared. I am therefore pleased that this has been suggested as part of policy LP29 but would suggest that tighter restrictions on the delivery of the relief road be put on the policy as well. I would also ask that as much effort is made as possible, through the available provision in the Local Plan, to engage with Highways England about building the missing slip roads at Junction 5 of the M25. Again, this would be consistent with Paragraph 162 of the 2012 NPPF to provide appropriate infrastructure for proposed allocations.

Policy LP29 also refers to healthcare improvements to support the development in relation to healthcare and schools. While the existing practice in Borough Green is excellent, I trust that they will be given appropriate tools to cater for a vast increase in population and the increased demands on their limited resources.



But I am concerned about money being taken as part of a Section 106 agreement from the development for a provision of a new school in the north east part of the Borough.

Borough Green sits in the Sevenoaks/Tunbridge Wells/Tonbridge Housing Market Area, whereas the north east part of the borough sits in the Maidstone Housing Market Area. The evidence base informing the Local Plan says that the development here is needed in order to meet the housing demand from the Sevenoaks/Tunbridge Wells/Tonbridge Housing Market Area. Therefore, the infrastructure necessary to permit this development should be located to benefit this Housing Market Area. Contribution towards a new school in the Maidstone Housing Market Area would be of no benefit whatsoever to residents in Borough Green and this should be altered so that it benefits residents locally. It would also help reduce the transport impact of the development by encouraging people to walk to school, rather than drive or take a journey on the already overcrowded bus and train services.

The comments on the mitigations proposed at Borough Green Gardens are all extremely valid points, and without these being addressed it would be very hard to envisage how a development of this size could be mitigated. However, there is one more fundamental point which ought to be addressed first; being the fact that the development sits in greenbelt land and close to the North Downs Area of Outstanding Natural Beauty boundary. Policy support for both of these designations is incredibly high through Paragraphs 79 to 92 of the 2012 NPPF and Policies LP11 and LP12 of the Draft Local Plan, and existing residents in the area are aware of this. Indeed, they expect this to be upheld. Therefore, it is the responsibility of the Inspector to only grant permission for any allocation here if it is needed in exceptional circumstances. Almost everyone I speak to in Borough Green and neighbouring villages is sceptical of this based on the information they have. Bearing in mind this is the only time available for residents to be consulted over its allocation in the Local Plan, I trust that this site will only be allocated if the aforementioned exceptional circumstances are proven beyond doubt. We are currently a long way from that being achieved.

On the other hand, I know that many residents in East Malling and West Malling are delighted that TMBC have accepted a long-standing campaign from local Borough Councillors Dan Markham, Sasha Luck, Brian Luker and Sophie Shrubsole to extend the greenbelt from the eastern edge of West Malling town, to Watringbury Road. Their campaign has proposed a deliverable solution which will provide clarity and certainty and prevent the convergence of communities, with both able to keep their own identity. Since the West Malling bypass was built, many residents have been concerned about the current boundary, with a conservation area in the locality as well, but the greenbelt extension addresses concerns here. The policy basis for this extension is clear in the fact that the extension meets the 5 tests set out in Paragraph 82 of the 2012 NPPF and I trust the Inspector will be won over by the clear argument for this change.

However, strategic site LP30 at Broadwater Farm, North of Kings Hill sits just to the south of this greenbelt extension, but this allocation does have some potential issues. The growth of Kings Hill over the past 20 years has been significant, and we are now at the point where residents regularly raise issues such as sustainability and traffic congestion using one of the two entrances and exits to the Hill. There are parcels of land being developed at the moment, which have received permission already and will add to the issues, in addition to the land at Broadwater Farm, and therefore the infrastructure will be challenged.

Like the allocation at Borough Green, road access is the key issue here. In order to provide connectivity and a sense of the development being part of the existing Kings Hill community, the site must connect by road to the rest of the development. Otherwise you have a situation where adjacent homes will be a 10-minute drive from one another. The Inspector should make this an essential requirement of any development here. This would also ease the existing pressure on the junctions at Tower View at Gibson Drive and Tower View, if a link road with the A228 further north is provided.


However, considering the sensitivity of this land the precise route of this road will be crucial. The New Barns Conservation Area is material and significant harm should not be caused to this by a new road. Having said that, there is support in the existing policy for the development not connecting with the local road network in East Malling and West Malling parishes, one I know many residents here would welcome. The character and appearance of the homes in the Lavenders Road and Broadwater Road area are fundamentally different to the type of development built at the moment. Indeed, with the north of Kings Hill still being relatively new it makes road access between this allocation and Kings Hill even more important.

Finally, I am delighted that this allocation would come with provision for a new secondary school in Kings Hill. There is a clear need already for one in the area with many families currently sending their children long distances to travel to school. An additional school would ease this burden and help with the travel issues that are prevalent in this area. I hope that sufficient land can be safeguarded for this so that it is accessible to all and provides a good quality environment for children to learn.

Like Kings Hill, Tonbridge suffers with traffic congestion, not just on the Hadlow Road but also on Brook Street. With three schools and West Kent College located here, and only one access at the A26 roundabout to service it, there is no wonder that the allocation of strategic site LP31 for additional dwellings along Brook Street is particularly controversial. Many residents take the view that the impact on the A26 junction would be so severe that it could not be mitigated. Indeed, there is little in the Local Plan to demonstrate traffic modelling to suggest this can be the case, considering that it is also the main road to villages such as Bidborough and Penshurst from the town. The Inspector ought to consider this as they come to their decision about the plan.

As this is an allocation on existing greenbelt too, like LP29, my comments about the policy support for use of the greenbelt there apply to this site too. Unless the Inspector agrees with TMBC that exceptional circumstances can be demonstrated, this site should not be developed.

In addition, this development falls in part on the flood plain from the River Medway. Since the severe flooding across the town in the winter of 2013/14, I've been working closely with the Environment Agency to find solutions and I am pleased that, finally, we are making some progress on this. However, Tonbridge itself already has a number of developments located on the flood plain and this is a real concern. I would urge the Inspector to speak closely with the Environment Agency to establish precisely how this development will address the flooding issue in Tonbridge. No development should proceed which increases the likelihood of flooding and the 2012 NPPF goes into great detail about this between Paragraphs 100 and 104, using the sequential test as an example of the type of mitigation which needs to be delivered before permission is granted, even if a site is allocated. This is very relevant to strategic site LP31.



Though my response has focused on the impact of the three strategic sites in the Tonbridge and Malling constituency which are allocated in the plan, it is clear that the Local Plan itself does much more, and that many other sites are allocated. I have received other representations regarding sites in Hildenborough, Hadlow, East Peckham, East Malling and other communities, and have encouraged everyone here to respond to this consultation too. I've also made it clear that communities where sites have not been included, such as those in north Tonbridge, where there are strong policy reasons for this, also rely on individuals responding to the consultation to make their views heard. These sites need to be considered equally as the impact will also stretch into other local villages.

Once adopted, like any development plan it will be used for years, against which any planning application will be judged. Therefore, it is important that every single policy in the document is as robust as possible in order to deliver the priorities that residents want for their communities going forward. Without this, TMBC will not have the evidence to refuse development which does not comply with its Local Plan.

In Tonbridge town, the largest settlement in the borough and only town centre in the plan, the boundary is designated by policy LP7. One of the arguments against building on the greenbelt in Tonbridge is that brownfield sites in the town should be used first. This is a fair argument. However, it is worth noting that development on brownfield sites in highly industrial areas can be extremely problematic. Mix use developments create a number of problems relating to light and noise pollution, parking issues and access concerns. Therefore, any policy, including LP7, should make it explicitly clear that residential amenity of current and future occupiers is important when considering developments in the town centre and this alone could render some brownfield sites unsuitable for development.

In villages, the availability of affordable units becomes even more pressing with land less readily available; so it is essential that policy LP6 is robust enough to prevent the coalescence of communities. I know that other Local Planning Authorities have felt, retrospectively, that their policies preventing development in the countryside have not been strong enough as this can see applications on sites, not in the Local Plan, have no choice but to be accepted. I am glad that LP6 puts such an emphasis on affordable units because this will make sure that we can encourage people to stay living locally in the villages which they grew up in and would encourage the Inspector to make sure this is as robust as possible to prevent unsustainable developments being constructed outside the village envelope.

But in both towns and villages parking is an increasing problem. Recent developments in Kings Hill and Leybourne Chase have shown that parking provision under previous policy has fallen well below a standard which is acceptable to create communities where people can park safely. Policy LP42 references the Kent County Council guidelines on this and adds four other criteria which can be considered as a planning application is received. However, due to the infrastructure issues and reliability of public transport which I have already addressed, it is important to note that greater parking standards will be required in order to keep developments in keeping with others in the local area. I know that other councils have greater parking standards than Kent and I would urge the Inspector to learn the lessons from parts of Leybourne Chase and Kings Hill, and implement parking standards which do not cause longstanding issues.

Finally, and most pressingly, is the need for affordable housing. Policy LP39 will be the defining policy of this Local Plan in terms of providing a plan which delivers for all residents in Tonbridge and Malling. It will determine whether we can truly fix the housing crisis that so evidently exists at the moment. I am glad that the policy description demonstrates that TMBC are open to looking at a range of possible ways to deliver this, as the varying characteristics of the borough will mean that one solution will not work across the board. However, I would like to see the Inspector caveat part 2 of policy LP39 by recognising that there are some areas within the area described as the 'remainder of the borough', where there would be a clear need for affordable housing of 40% to be delivered on some allocations. I trust that the wording of the policy means that developers will not be able to get away with providing less than they ought to as a result of this.

In addition, I would hope that the Inspector looks extremely closely at the other criteria which have been approved by TMBC in terms of what measures can be taken to exempt developers from providing affordable housing. There have, for example, long been questions about the use of viability assessments and I know other Local Planning Authorities have raised concern about this too. I trust that TMBC's policy is robust enough to challenge this.

The length of this response makes clear that there is a lot to consider in the Draft Local Plan. Every single resident will be affected by it and it will shape our communities for generations to come. This is why we have to get this right now. There are many issues, too many to mention, which I have not even considered here but am sure that others will – whether they be renewable energy provision, electric charging point availability, or ecological concerns. However, I would like to emphasise that the drafting of the document, and final decision over whether to adopt the plan or not, will come down to Tonbridge and Malling Borough Councillors, elected with their own mandates, and I have no say over their decision one way or another. It is a very tough decision and not one which I envy. However, as this plan goes before the Inspector there is clearly a lot to consider and a substantial evidence base which has been used to justify the inclusion of specific sites, and a sizeable evidence base against the inclusion of specific sites. But, referring to my remarks at the start of this letter, the delivery of infrastructure is of critical importance in this Local Plan and Paragraph 162 of the 2012 NPPF makes it very clear that this must be addressed. The Inspector must explain how this will be met for every single allocation which is proposed through this plan.

Paragraph 182 of the 2012 NPPF states that Local Plans should be positively prepared, justified, effective and consistent with national planning policy. TMBC are an excellent Council who are well run, and I have full confidence that they have considered the many arguments presented to them when coming to their recommendations. I look forward to all the comments, including my own, being passed to the Planning Inspector and hope that a sound plan can be in place as soon as possible to provide certainty to residents about what the shape of the borough will be in the future.

Best wishes,

Tom Tugendhat

TOM TUGENDHAT