

**From:** [REDACTED]  
**To:** [localplan](#)  
**Subject:** Tonbridge & Malling Borough Council Local Plan Regulation 19 Consultation  
**Date:** 15 November 2018 12:55:55  
**Attachments:** [TMBC Local Plan Regulation 19 Consultation \(HE response\)-15.11.18.pdf](#)

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Dear Sir or Madam

I attach a letter setting out Historic England's response to the above consultation.

Your faithfully,

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15 November 2018

Dear Sir or Madam

## **Tonbridge and Malling Borough Local Plan Regulation 19 Consultation**

Thank you for your email of 1 October 2018 inviting comments on the above document.

As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages of the local planning process, and welcomes the opportunity to comment upon the submission draft local plan. We previously commented on the Regulation 18 consultation on the draft local plan by letter dated 25 November 2016 and our comments below are framed in the light of that response.

To reiterate the key points made in our earlier letter, the NPPF requires Local Plans in respect of the historic environment to:

be based on adequate, up-to-date and relevant evidence about the historic environment, and that this up-to-date evidence should be used to assess the significance of heritage assets and the contribution they make to the environment (Paragraphs 158 and 169, NPPF 2012);

set out a positive and clear strategy for the conservation, enjoyment and enhancement of the historic environment (Paragraphs 126 and 157, NPPF 2012);

contain strategic policies to deliver the conservation and enhancement of the historic environment (Paragraph 156, NPPF 2012); and

identify land where development would be inappropriate because of its (environmental or) historic significance (Paragraph 157, NPPF 2012).

In the review of the NPPF (reissued July 2018) these key points largely have been retained, though the chapters and paragraphs have been re-ordered and some text has been revised; in our view however they remain relevant. The following NPPF paragraph numbers refer to the July 2018 issue.

Historic England's comments below relate to the above key points primarily, but raise additional matters specific to this draft version. They are set down in the order in which the policies appear in the Regulation 19 consultation draft local plan.

## LP2: Strategic Objectives

**Objective 5** – the wording of this objective is equivocal; it is not clear why only “important” heritage assets should be protected. We would expect that the appropriate conservation *and enhancement* of all heritage assets, in line with paragraph 20d) and 185 of the NPPF 2018, to be an outcome of the local plan but this policy suggests this will be sought only in selected cases. We suggest revising the wording by, at the very least, removing the word ‘important’, but also adding reference to sustaining and enhancing the significance of heritage assets and promoting their enjoyment.

## 4. Strategic Policies

The NPPF requires that local plans set out a “positive strategy” for the conservation and enjoyment of the historic environment (para 185, NPPF 2018) which this section singularly fails to do. The wording of policy **LP11: Designated Areas** suggests that the council is content to leave the protection, conservation and enhancement of heritage assets to the requirements of the NPPF or national planning policy alone, and fails to demonstrate how the national level framework can and should be applied to local circumstances taking into account the needs and requirements of the local historic environment. It is therefore inadequate as a positive strategy for the heritage of the borough. In particular, the local plan provides no guidance on how matters such as tackling heritage at risk (there are four entries on the 2018 Register of Heritage at Risk) as required by paragraph 185 NPPF 2018, nor how managing potential harm to heritage significance might be addressed (para 189 et seq. NPPF 2018).

This would appear to stem from a lack of an up-to-date evidence base for the historic environment (ref. paragraph 31, NPPF 2018) and the lack of publicly available information and understanding of the significance, condition of and opportunities to enhance heritage assets (paragraphs 187-188, NPPF 2018). We can find no reference to a historic environment or heritage study, topic paper or assessment in the list of supporting documents. This is a fundamental failing of the plan and, in our opinion, makes it unsound.

The policy **LP11: Designated Areas** sits under the heading **Designated Areas – Green Belt** and follows paragraph 4.8.4, and is ambivalent in its geographical application as a result. Does the policy relate only to the Green Belt, in which case all heritage assets outside this defined area are excluded from its application and have no local policy protection, or is this a drafting error? In either case it needs to be clarified.

As well as being selective about the types of designated heritage subject to this policy there is no reference to archaeology within the plan, its significance or the extent of the potential resources in the borough (ref. paragraph 187 b) NPPF 2018), let alone the establishment of a policy context for dealing with the area's archaeological resources or managing the effects of change and development impacting upon them. This is a fundamental omission that should be addressed.



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How will locally important non-designated heritage in the borough (paragraph 184 NPPF 2018 refers to this) be considered; the local plan is silent on this? There is no mention of historic landscape character, its significance and how, for instance, it may be used to inform site allocations and decision-making on planning applications.

#### **LP14: Achieving High Quality Sustainable Design**

We note the references to local distinctiveness and historic and architectural interest in the policy, which we endorse.

### **5. Sustainable Growth – where development is planned**

#### **LP26: Housing Allocations – Policy Requirements**

As there is a lack of policy relating to local heritage protection and enhancement, by default this policy does not require the assessment of impacts on the significance of heritage assets to be taken into account. Only one site allocation policy, viz. LP30 7) (Broadwater Farm), makes any reference to a specific heritage asset which suggests that no assessment of heritage impact of the allocations has been undertaken. This is likely to leave heritage assets, and in particular undesignated archaeology, at risk of loss or harm from development of the sites.

Site selection for allocations within the local plan, which carry significant weight in determining applications for development, should be assessed for their effects on the significance of heritage assets prior to inclusion in the draft plan. These impact assessments should inform the extent and quantum of development acceptable on the allocated sites and identify areas that may be excluded from development because of the potential harm to heritage assets.

Each site allocated should have a protective policy that seeks to conserve and enhance the significances of the assets affected, to promote action to deal with risk or vulnerability where appropriate, or seek means of limiting or mitigating harm where this is unavoidable.

Each of the following allocated strategic sites have designated heritage assets or known archaeological resources (ref. Kent County Council Historic Environment Record) and possibly locally important assets within the allocated area or in proximity to it, and should be subject to a heritage impact assessment in advance of inclusion in the plan to:

#### **LP27: Strategic Site – Bushy Wood, Eccles**

Romano-British villa, Anglo-Saxon cemetery and associated remains at Eccles – Scheduled Monument, included in the Register of Heritage at Risk 2018;  
Little Culand Farmhouse – Listed Building, grade II;  
The Red Bull PH, Eccles – Listed Building, grade II;  
Aylesford Conservation Area;  
Shrine of Our Lady and St Simon Stock – Listed Building, grade II\*;  
Barn East of Court Lodge Farmhouse – Listed Building, grade II; and  
Court Lodge Farmhouse – Listed Building, grade II.

#### **LP28: Strategic Site – South Aylesford**

The Royal British Legion Village to the north west of the site contains Preston Hall, Listed Building grade II, and three associated structures, all grade II listed buildings.



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### **LP29: Strategic Site - Borough Green Gardens**

Ightham Court – Listed Building, grade II\*;

Ightham Court – Registered Park and Garden, grade II;

Cricketts Farmhouse – Listed Building, grade II;

53-59 Wrotham Road (Oak Cottage, Oakley Cottage, Tudor Cottage) – Listed Building, grade II;

Nepicar House – Listed Building, grade II\*;

Outbuilding to north of Nepicar House – Listed Building, grade II; and

Nepicar Cottage – Listed Building, grade II.

### **LP30: Strategic Site – Broadwater Farm**

New Barns and Broadwater Farm Conservation Area;

New Barns – Listed Building, grade II;

Broadwater Farmhouse – Listed Building, grade II;

Broadwater Farmhouse Oasthouses – Listed Building, grade II.

### **LP31: Strategic Site – South-West Tonbridge**

Haysden Conservation Area

Brook Street Farmhouse and Adjoining Cottage – Listed Building, grade II.

All other non-strategic sites, e.g. housing sites in **LP25: Housing Allocations**, **LP34: Employment Site and Land**, **LP36: Employment Land Allocations** and **LP38: Travellers and Travelling Showpeople**, should also be subject to proportionate heritage impact assessments particularly in the light of a lack of a historic environment evidence base and heritage specific development management policies in the draft local plan. A number of the sites have heritage significances that are likely to be affected by development; for example, the three parcels associated with East Malling Research Station site are adjacent to and potentially in the setting of Bradbourne House (Listed Building, grade I) and its associated historic parkland setting (non-designated) much of which is within the Bradbourne Conservation Area.

## **6. Development Management – local requirements**

There are no policies for managing change and development affecting heritage assets in the local plan. Given the numbers and distribution of designated heritage assets listed in Table 1: Spatial Portrait, it is unlikely that there will be no impacts arising from either the development promoted in the local plan, or from other proposals that come forward. As a result, it is possible that the potential effects of development on heritage assets will be elided.

We advise that the local plan should have a suite of policies that relate to heritage asset types and that provides a framework in which change affecting their significances can be assessed. By well drafted locally specific policies for conserving and enhancing the historic environment including the requirements of the paragraph 28, NPPF 2018 can be given specific local application. Without these, we believe the plan to be unsound.

Local Plan policies for the historic environment may also be supported by supplementary guidance in the form of a historic environment SPD or heritage strategy, as have been prepared by a number of other Kent authorities. A policy reference to this would be beneficial and would provide it with some material weight in the planning decision-making process.



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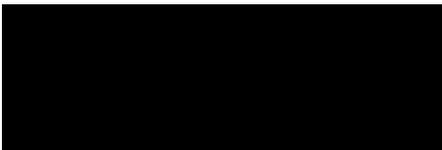
**Appendix a: Glossary of Terms** includes no entries relating to the definition of the historic environment or heritage assets.

While it is helpful to have lists of selected heritage assets (i.e. **Appendix L: Historic Parks and Gardens; Appendix M: Scheduled Ancient Monuments; Appendix N: Conservation Areas**) it is not clear what purpose these serve in the absence of any local policy framework to support them. It is not understood why a partial listing is appropriate excluding, for instance, Listed Buildings, or why inclusion on the policies map or a bespoke heritage map is not considered appropriate.

**Appendix S: Monitoring indicators** does not include any specific targets or indicators relating to the historic environment or heritage assets that would allow the council to assess the performance and condition of the historic environment in relation to the implementation of the plan. Without a well-defined evidence base, demonstrating understanding of the historic environment, it is difficult to see how effective monitoring of effects of the plan on heritage can be achieved.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Yours sincerely



Historic Environment Planning Adviser



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