

**Tonbridge and Malling Borough Council**  
**LOCAL DEVELOPMENT FRAMEWORK**

**Managing Development  
and the Environment  
Development Plan Document**

**As adopted by the Council**

20 April 2010



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# 1. Introduction

## 1.1 Purpose

- 1.1.1 The Managing Development and the Environment Development Plan Document (MDE DPD) forms part of the Local Development Framework (LDF) for Tonbridge and Malling Borough and therefore forms part of the statutory Development Plan. It applies existing and emerging national and regional policies at the local level. It includes a suite of policies that reflect the local distinctiveness of the Borough as described in Section 2.2 below. These policies will be used, amongst other things, to assess and determine planning applications for development which are otherwise acceptable in terms of the Core Strategy. It will also aim to deliver elements of the Sustainable Community Strategy and provide a context for co-ordinating the actions of partners and other agencies in achieving the objectives of that strategy.
- 1.1.2 The title, and therefore the purpose, of this Development Plan Document (DPD) is critical. In an area where there is significant development pressure and growth, there is a need to ‘manage’ development so that environmental quality is maintained and enhanced whilst preserving a sense of place. This DPD aims to set out the policy direction to deliver these aims as well as achieving the best balance between the built and natural environment. In this respect, it is important that there is a proper understanding of what is meant by ‘sense of place’ and what the most important features and risks are to places in the Borough. It will be supported by a series of Supplementary Planning Documents that will add detail to the Development Plan polices and in particular define in detail the character of the area which the policies aim to protect, preserve or enhance.
- 1.1.3 The plan deals with a wide range of matters ranging from Climate Change to the protection of existing and provision of new open spaces including the promotion of recreational corridors. It deals with the protection and enhancement of biodiversity including the creation of a multi-functional ecological network as well as the conservation and enhancement of the built and historic environment. It also addresses issues of sustainable development in rural areas, including farm diversification, tourism and leisure uses. It deals with matters that generally affect the quality of life, including the impact of lighting, noise and crime and disorder. It does not deal with the scale, location or principle of development since those are matters for the Core Strategy, but it does deal with controlling the quality and environmental performance of development that might otherwise be acceptable. ***However, the fact that the Core Strategy, Development Land Allocations DPD or Tonbridge Central Area Action Plan might indicate that a development is acceptable in principle does not necessarily mean that it will be permitted unless it complies with the requirements of polices in this DPD or unless material considerations indicate otherwise.***

- 1.1.4 Not all matters require a new local policy as some are already adequately addressed elsewhere in national or regional policy. PPS12<sup>1</sup> makes it clear that Local Planning Authorities **must be able to demonstrate that the policies are necessary and do not merely repeat or reformulate national and regional policy**. Therefore, where an issue is deemed to be sufficiently addressed by a higher tier planning document, no local policies are included but reference is made to where the relevant policy is addressed.
- 1.1.5 Local Authorities have a duty to have regard to biodiversity and to crime and disorder. The Biodiversity Duty aims to raise the profile and visibility of biodiversity, and to make it an integral part of policy and decision making. The Crime and Disorder Duty requires local authorities to work in partnership with other agencies to develop and implement a strategy for tackling crime and disorder in the local area. The Council must have regard to these statutory duties when exercising their functions, which includes preparation of the LDF. Where appropriate, policies within this DPD aim to address these issues.

## 1.2 The Council's Key Priorities

- 1.2.1 The Council has adopted the following Key Priorities that are relevant directly or indirectly to this DPD.
- To make a positive contribution to tackling the causes and effects of climate change;
  - To achieve a cleaner, smarter and better maintained street scene and open space environment;
  - To promote, encourage and provide opportunities for healthy living;
  - To involve, safeguard and meet the needs of children and young people;
  - To work with partners to increase community safety by tackling: acquisitive crime, anti-social behaviour, perception of crime, substance misuse and violent crime.
- 1.2.2 The Council is seeking to address these priority issues, and the priorities identified in the Sustainable Community Strategy and Local Area Agreement<sup>2</sup>, in partnership with others, particularly with its partners on the **Local Strategic Partnership** (LSP). This includes the County Council and organisations such as the Police and Primary Care Trust. The Council also works closely with the Police and a number of other organisations on the **Community Safety Partnership**. The MDE DPD includes a number of policy areas which seek to address these

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<sup>1</sup> PPS12 – Local Spatial Planning – Para 4.30

<sup>2</sup> See Section 2.6



Key Priorities, the implementation of which will depend on continuing close working with our partners on the LSP.

### **1.3 The Tonbridge & Malling Local Development Framework**

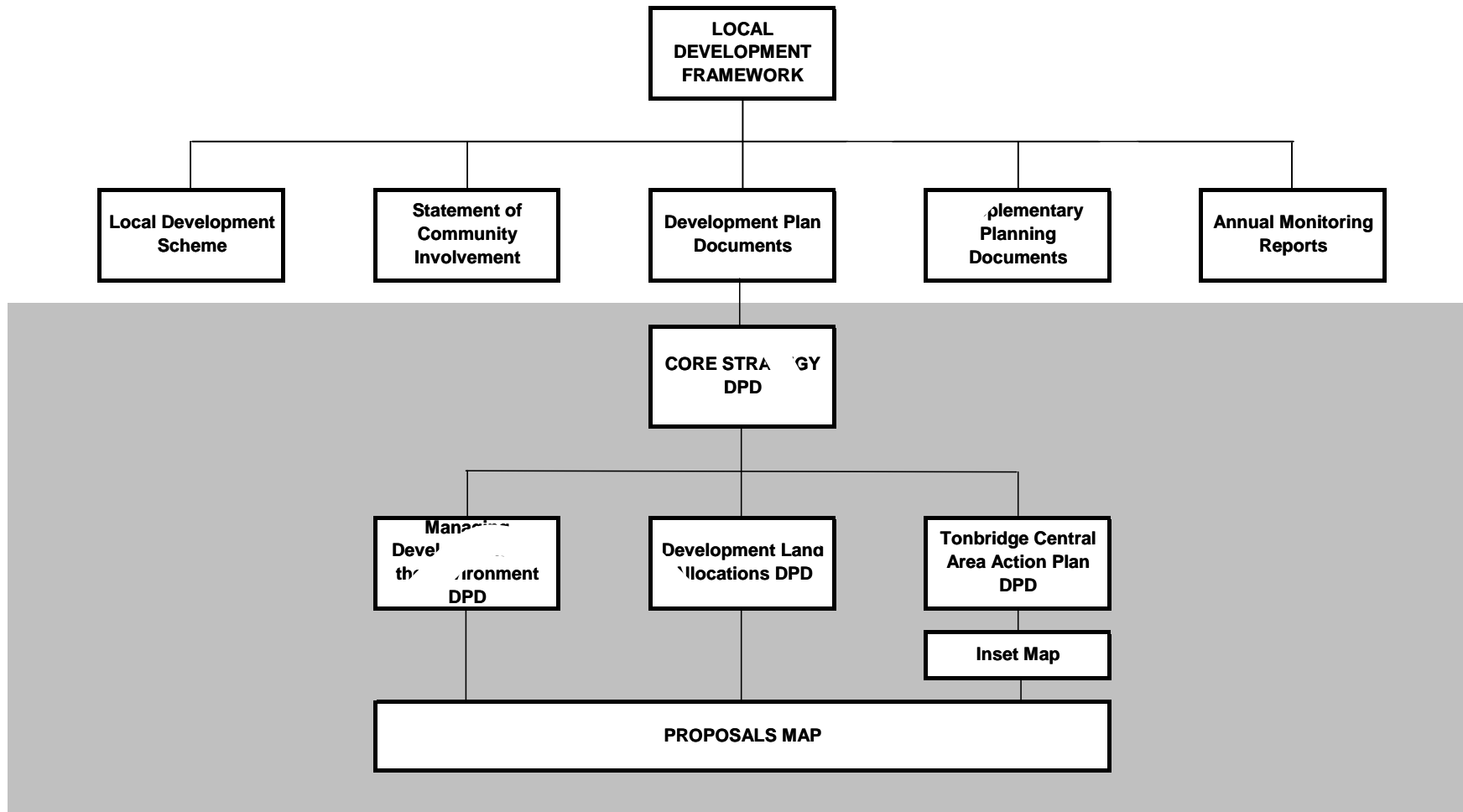
- 1.3.1 The Planning and Compulsory Purchase Act 2004 introduced a new type of plan for shaping and guiding development and new procedures for preparing it known as a Local Development Framework (LDF). The LDF for Tonbridge and Malling has progressively replaced the Tonbridge and Malling Borough Local Plan. The LDF comprises a number of documents as set out below and illustrated on the diagram on page 5. It has to be prepared in general conformity with the Regional Spatial Strategy (the South East Plan)<sup>3</sup> which also forms part of the Development Plan.
- 1.3.2 The **Core Strategy** was adopted in September 2007. This sets out the spatial vision, spatial objectives and core policies for the Borough. All subsequent Development Plan Documents (DPDs) must be in conformity with it. As a spatial plan, the Core Strategy has drawn upon a number of strategies produced by the Borough Council and other organisations all of which have implications for the development or protection of land.
- 1.3.3 The LDF also includes the **Development Land Allocations DPD** which was adopted in April 2008. This identifies sites for housing, employment and retail development and safeguards land for transport, education and public utilities. The LDF also includes the **Tonbridge Central Area Action Plan** which establishes detailed policies and proposals for the centre of Tonbridge. This was also adopted in April 2008.

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<sup>3</sup> See Section 2.4 and Annex A

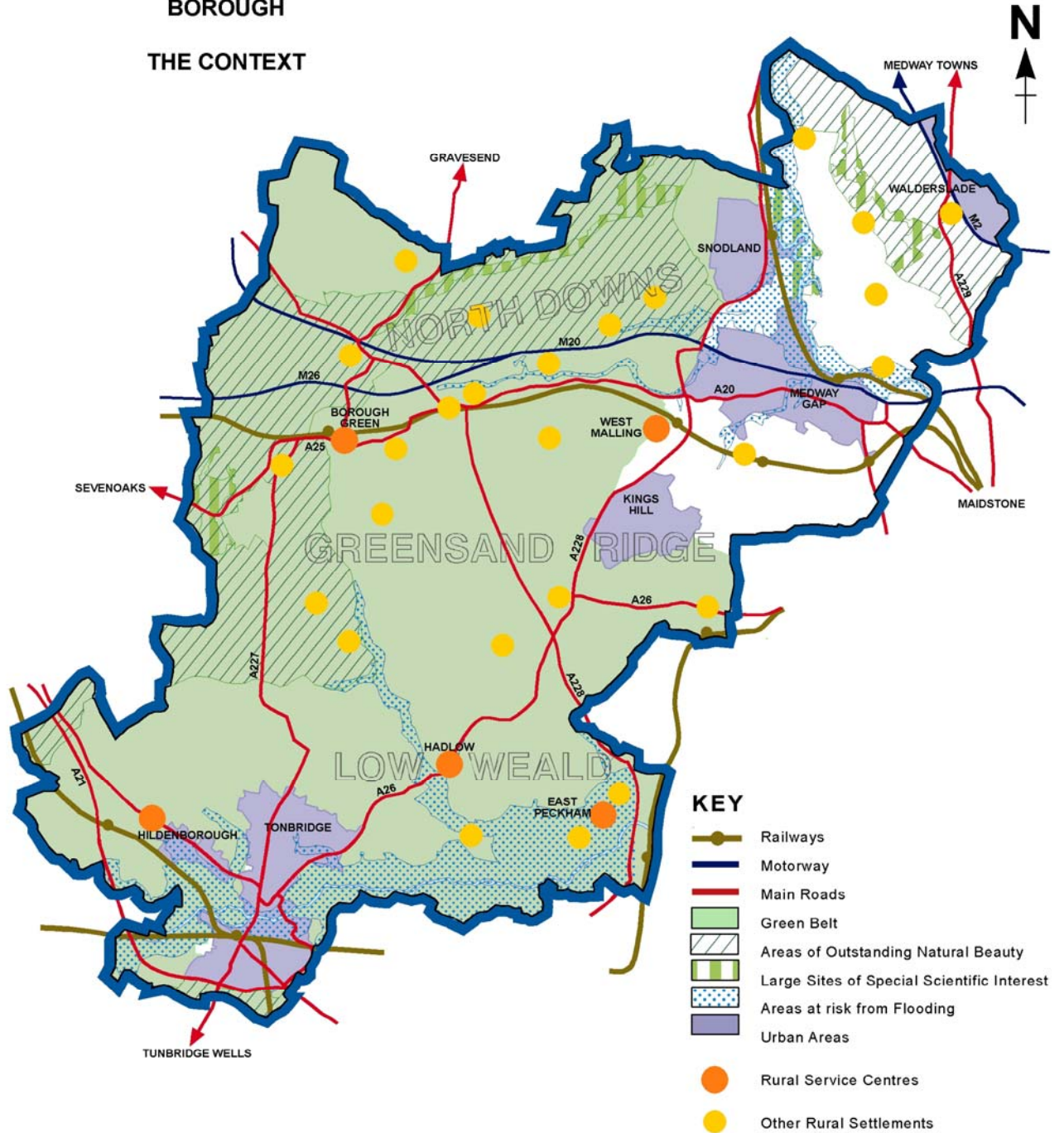


**LOCAL DEVELOPMENT FRAMEWORK STRUCTURE AND CONTENT**



**MAP 1  
TONBRIDGE AND MALLING  
BOROUGH**

**THE CONTEXT**



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*Not to Scale*

## **2. Influences on the Plan**

### **2.1 Quality of Life**

- 2.1.1 This Plan is about protecting and enhancing the quality of life of residents and workers in the Borough and visitors to it. Quality of life in both town and countryside is shaped by many factors and relates to issues such as noise/tranquillity, light, air and water quality, health, key landscape features, the quality of the built environment, open spaces and recreational areas, pollution and contamination and the interrelationships between them. Planning interventions can be developed to militate against any negative impacts of development and to promote and improve a good quality of life. However, the role of the planning system in ensuring that the right development takes place in the right place at the right time and in generally managing the environment is only one means by which the Borough Council can influence the quality of life and local character and promote local distinctiveness. Other services, some of which are provided by the Borough Council, some in partnership, and some by other public authorities can also contribute to good management of the local environment.
- 2.1.2 Street scene services, including amenity cleansing, road and pavement maintenance, street lighting and controls on car parking contribute significantly to the overall perception of an area as 'well managed'. Crime and disorder issues, particularly in relation to the environmental crimes of graffiti, fly-tipping and littering, are other matters which, if not tackled effectively, can lead to a reduction in local environmental quality adversely affecting people's perception of an area. Lower crime levels generally and a low level of anti-social behaviour also contribute to improved perceptions of an area generally.
- 2.1.3 Education and health services have a considerable influence on the perception of an area. Implicit in quality of life issues is Healthy Lifestyles, a programme of lifestyle choices that impact on health and well-being. In particular, there is a need to encourage and facilitate walking and cycling in both town and countryside. Many of these matters are not land use matters as such, but as a spatial plan, the MDE DPD has paid regard to, and fully integrates its proposals with, these other initiatives.

### **2.2 Sense of Place**

- 2.2.1 A positive local character and sense of place is created by a wide range of factors including the provision of high quality public services. It is important that the planning system plays a role in helping to shape positive opinions about an area and to help create a good quality local environment which is well received by the people who live in, work in, or visit it. The policies in the MDE DPD therefore focus on maintaining and enhancing sense of place and local environmental quality.

- 2.2.2 Local distinctiveness is about the particular identity of a landscape, townscape, parish or neighbourhood and is evident in towns, villages and the countryside and is influenced by its geography, biodiversity and its history. The historic environment, in particular, is crucial to sense of place in that it reminds people how their community came to be and how it has taken shape. Protecting and promoting local character avoids monotony and uniformity in the natural and the built environment and celebrates local identity. Local residents have an important part to play in the identification of local character. Representations, comments and objections commonly raised by local residents to planning applications often reflect those aspects of local character that are dearly held and that are recognised by local residents as important in defining and characterising the place where they live. In some villages local character assessments have been undertaken by the local community in preparing Village Design Statements. The identification and definition of local character in partnership with local people provides the Council with a framework within which to assess and define the character of the local landscape and townscape.
- 2.2.3 There is a need therefore, through the planning system, to ‘manage’ how this local character is maintained and enhanced whilst preserving its sense of place. An important part of local character is the interrelationship between the elements that make up the natural and built environment. There are large parts of the Borough that have a particularly special character in terms of landscape, townscape or biodiversity interest, and these require protection. If these areas are not protected their special character may be eroded over time. Other areas may have a particular character which in some cases it is desirable to improve or enhance. That does not mean they should not change over time. Indeed, change may be desirable. What is important is that key matters that are important to local people are recognised and well managed in shaping change. This plan provides the context for the Council to achieve these objectives.
- 2.2.4 So, what is distinctive about Tonbridge and Malling? People’s perception of the environment and the local quality of life are shaped by many factors. Perceptions of a place are often driven by how distinctive one area is when compared to another. Such a sense of local distinctiveness may be shaped by key local landscape features such as hills, rivers, areas of woodland, the quality of the built environment in terms of the design of key buildings both modern and historic, the use of local building styles and materials, open spaces and recreational areas, and the juxtaposition of towns, suburbs and villages with open countryside.
- 2.2.5 In terms of geography, the Borough of Tonbridge and Malling is located in West Kent mostly within the outer part of the Metropolitan Green Belt. The Kent Downs Area of Outstanding Natural Beauty encompasses much of the northern part of the Borough (see **Map 1**). Immediately to the east lies Maidstone. Sevenoaks is located some 10km to the west with Tunbridge Wells to the south close to the market town of

Tonbridge. The Borough does not have a single urban focus but comprises a number of diverse, contrasting settlements and neighbourhoods.

- 2.2.6 The Borough is crossed by three motorways (M2, M20 and M26), the A21 Trunk Road and five railway lines, but one of the characteristics of the Borough is that for historic reasons, the main public transport links tend to be with London and centres outside of the borough. The main north-south route through the Borough is the A228 which has been progressively upgraded to provide access to major development sites in the north and, in the south, to divert as much traffic as possible away from the A26 through Tonbridge. Further related improvements are proposed at Colts Hill in Tunbridge Wells Borough.
- 2.2.7 The Borough stretches north, beyond the M2 motorway, encompassing Blue Bell Hill village and parts of Rochester Airfield and Walderslade on top of the North Downs. Walderslade comprises part of the Medway Towns urban area. To the south of the M2 is an area known locally as the 'Medway Gap' where the River Medway cuts through the North Downs. This area is steeped in history with a significant collection of megalithic tombs and stones in the vicinity of Aylesford and is crossed by the ancient Pilgrims' Way. It includes a number of villages on the east bank and Snodland on the west bank of the River Medway which have a very distinctive character derived from the legacy of cement and paper-making. The industrial archaeology of this area is of particular interest.
- 2.2.8 The urban area immediately to the south, which has resulted from the amalgamation of a series of former villages, comprises the parishes of Leybourne, East Malling and Larkfield, Ditton and Aylesford, and looks predominantly eastwards to Maidstone for other than day-to-day services. It is a predominantly suburban area but with major concentrations of employment activity at New Hythe, Quarry Wood, Forstal Road and Ham Hill and two out-of-centre retail areas at Quarry Wood and Lunsford Park.
- 2.2.9 Most of the Borough is rural in character, with villages and small towns of varying size and character, many of which are of medieval origin and of architectural or historic interest. The Borough contains 25 Scheduled Ancient Monuments and over 1300 listed buildings together with a number of Historic Parks and Gardens. The largest rural settlements are West Malling with its historic abbey and St Leonards Tower, Borough Green, Hadlow with its own distinctive tower, Hildenborough and East Peckham. Kings Hill is a new mixed-use community which is still under construction on the former West Malling Airfield. When complete, it will include some 186,000 sq metres of business floorspace and over 3,000 dwellings together with shops, schools and other community and recreation facilities. This new development has a very distinctive character as a high quality modern living and working environment.

- 2.2.10 The market town of Tonbridge lies at the southern extremity of the Borough. Its centre straddles the River Medway. To the north of the river are the remnants of the castle and the main historic core. To the south, the traditional shopping centre lies astride the High Street which is dominated by traffic. Extensive areas of parking and two large shopping units are located to the east of the High Street beyond which lies the extensive industrial estate. Immediately to the west of the High Street lies the Sports Ground and open countryside: a unique feature of Tonbridge resulting from the fact that the centre of the town lies in the flood plain. Tonbridge Station is situated at the confluence of four lines and is one of the busiest commuter stations in the South East. The town is identified jointly with Tunbridge Wells as a Regional Hub in the South East Plan. The Tonbridge Central Area Action Plan proposes positive action to regenerate the centre, improve the range of retail, leisure and community facilities and enhance the environment. To the north and south of the centre the town is predominantly suburban in character with the older Victorian areas closest to the town centre.
- 2.2.11 The geography, landscape and biodiversity of the Borough is dictated by the underlying geology with alternating bands of hard and soft rock leading to a strong east-west grain to the landscape. This geological sequence is important in determining the character of the landscape and the historic nature of land use, with predominantly agriculture on the low-lying areas and woodland, much of significance for nature conservation, on the higher ground. Historically, orchards and hop growing were important, the latter leaving its legacy of oast houses with their cowls so typical of the landscape. The more recent trend of intensive soft fruit farming has resulted in large areas of polytunnels which have a significant impact on the landscape. Elsewhere, equestrian use is replacing traditional grazing. The underlying geology has also resulted in extensive areas of quarrying, some still active, but with much land despoiled by former quarrying activity. Some of these areas have provided, and others still provide, opportunities for development on damaged land. Some are of considerable significance for nature conservation or otherwise have biodiversity potential.
- 2.2.12 The River Medway and its tributaries pass through both the north and south of the Borough and have significantly influenced the history and development of the area. The only crossing point of the river in the northern part of the Borough is at Aylesford, which tends to isolate the east bank of the Medway but a new bridge is proposed further north in association with the development of Peters Village. In Tonbridge, there are only two road crossing points, one being the High Street. An extensive area of the Borough lies in the floodplain of the River Medway, the potential impact of which in Tonbridge is reduced to some extent by the Leigh Barrier immediately west of the town. Much of the floodplain is also of significance for biodiversity with extensive areas of the lower Medway Valley being designated as Sites of Special Scientific Interest.



2.2.13 In summary, the following are the main characteristics that make Tonbridge and Malling locally distinct:

- It contains two main urban areas, one at either end of the Borough, one of which has no identifiable centre;
- The River Medway passes through both of these areas and large parts of the Borough lie within the flood plain and are of significant biodiversity interest;
- The Borough lies on the outer edge of the Metropolitan Green Belt with three quarters of its area covered by Green Belt policy;
- There is a wide variety of rural settlements, many of historic interest and some with an industrial heritage;
- There is an important legacy of Listed Buildings, Ancient Monuments and Historic Parks and Gardens in the Borough;
- There is strong east west grain to the landscape which is varied in topography and character, parts being identified nationally as being of outstanding natural beauty;
- The Borough has a wealth of different habitats making it one of the most diverse districts, in terms of biodiversity, in Kent;
- The new development at Kings Hill, based upon a modern business park, is unique in Kent if not the South East;
- There is a legacy of quarrying in the Borough with some quarries still active;
- Transport links are also important with three motorways, a trunk road and five rail lines passing through the Borough, with Tonbridge being part of a Regional Hub.
- The historical influence of agricultural practices such as hop growing and the impact of modern agricultural trends.

These special characteristics have influenced the formulation of the policies in the MDE DPD.

## 2.3 Character Area Appraisals

2.3.1 Many policies in the MDE DPD refer to the need to **protect or enhance local character**. The above section has briefly established the broad characteristics of the Borough and identified in general terms what is distinctive about the area. The MDE DPD will be complemented by a Supplementary Planning Document which will define, identify and describe in much more detail the local character of the Borough on the basis of a series of **Character Area Appraisals**. It will be these that will provide the necessary fine-grain of detail that will ensure the MDE DPD applies national and regional policy in a way that is responsive to the identified local distinctiveness. This Supplementary Planning Document, which will comprise a series of separate volumes, will be adopted as soon as possible after the adoption of the MDE DPD. It will not make policy but will identify in detail how the policies of this plan will be applied.

## 2.4 Policy Context

2.4.1 There are a number of higher tier planning documents and guidance that provide the policy context within which the LDF is prepared. The Council must have regard to national **Planning Policy Statements** (PPSs) & **Planning Policy Guidance** (PPGs) and government circulars as well as the **Regional Spatial Strategy** (RSS) for the South East (The South East Plan)<sup>4</sup>. The RSS, which was approved in May 2009, replaces Regional Planning Guidance for the South East (RPG 9) and the **Kent and Medway Structure Plan**. An important objective has been to ensure that there is no policy vacuum when these plans are superseded. An assessment has therefore been made as to which, if any, of the Structure Plan policies should be included in whole or in part in the MDE DPD. A full list of policy documents that have been paid regard to can be found in **Annex A**.

## 2.5 Saved Local Plan Polices

2.5.1 The **Tonbridge and Malling Borough Local Plan** (TMBLP) was adopted in 1998 and covers the period 1996-2011. The usefulness and continued appropriateness of the TMBLP policies were subject to a rigorous review during 2007 because only those that meet current Government guidelines were able to be saved beyond 28 September 2007. It should be noted that, as a result of the saved policies exercise, some of the Local Plan polices are considered to be adequately covered by National or Regional policy and no polices are therefore included in the LDF.

2.5.2 Regulation 13(5) of the Town and County Planning (Local Development) Regulations 2004, indicates that where a Development Plan Document contains a policy that is intended to supersede a policy in the Local Plan it must state that fact and identify the superseded policy. The following saved Local Plan policies are superseded by policies in the MDE DPD.

Local Plan Policy	Title	Superseded by MDE DPD Policy
Policy P3/2	Sites of Nature Conservation Interest	Policy NE1
Policy P3/17	Noise	Policy SQ6
Policy P4/6	Historic Parks and Gardens	Policy SQ3
Policy P4/7 *	Areas of Historic Character	Policy SQ1
Policy P4/8 *	Areas of Special Character	Policy SQ1
Policy P4/9 *	Low Density Residential Areas	Policy SQ1
Policy P4/10 *	Important Green Spaces	Policies SQ1 and OS1
Policy P4/16 *	Environmental Enhancements	Policy SQ1
Policy P6/5 *	Rural Settlements with a linear street character	Policy SQ1

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<sup>4</sup> The MDE DPD was prepared having regard to the Secretary of State's proposed changes to the South East Plan published in July 2008. There are no significant differences in the finally approved version of the RSS.

Policy P6/12	Recreation, Leisure and Tourism Uses in rural areas	Policy DC5
Policy P6/13	Horses and Stables	Policy DC4
Policy P6/14	Conversion of Rural Buildings to Employment Use	Policies DC1 and DC3
Policy P6/15	Conversion of Rural Buildings to Dwellings	Policy DC1
Policy P6/16	Converted Rural Buildings	Policy DC1
Policy P6/19	Rural Lanes	Policy DC6
Policy P6/22	Community Facilities	Policy DC7
Policy P7/15	Riverside Footpath	Policy OS5
Policy P8/2	Provision of Open Space	Policy OS3
Policy P8/3	Sites suitable for Open Playing Space	Policy OS4
Policy P8/6	Sites for Informal Recreation	Policy OS4
Policy P8/10	Allotments	Policy OS2

\* These Local Plan policies will remain a material consideration for Development Control until such time as the Character Area Appraisals prepared pursuant to Policy SQ1 are adopted (see Section 2.3).

## 2.6 Sustainable Community Strategy

- 2.6.1 The **Sustainable Community Strategy**, is prepared by the Borough Council on behalf of the **Local Strategic Partnership**, and aims to promote the social, environmental and economic well-being of the Borough and reflect the concerns and aspirations of local residents. The Sustainable Community Strategy for Tonbridge and Malling, '**Serving You Better**', seeks to improve the quality of life in the Borough.
- 2.6.2 The Sustainable Community Strategy places considerable emphasis on the LDF as a means by which key concerns of the local community about environmental issues can be addressed to ensure greater public confidence about an appropriate balance between future development and the protection of the environment. A specific action in the Strategy requires that, via the LDF, the character of the Borough's villages, towns and countryside should be protected whilst the need for new development is met in a sustainable manner.
- 2.6.3 The issues and actions of the Sustainable Community Strategy have been informed by the priorities of the local community which are identified through a survey of the Residents Panel, consisting of some 1,400 randomly selected borough residents. The Residents Panel has identified that recycling, parks and public spaces, access to the countryside, sports and leisure facilities and flood prevention are key factors that have improved over the past three years. However they also perceived that car parking, anti-social behaviour, controlling development in rural and urban areas and traffic congestion have got worse over the same period. Concerns over development pressures in the Borough and the impact on the quality of the urban and village fabric are influenced by the national and regional growth agenda,

economic factors such as incomes and employment, as well as lifestyle choices and population changes.

2.6.4 The **Local Area Agreement** for the County is known as the 'Kent Agreement'. From April 2008, a new Agreement has been adopted for the period 2008-2011 (KA2). The Agreement sets out a number of performance indicators and targets which have been negotiated between Government and local Kent partners. Although the Agreement has a relatively short timescale compared to the Local Development Framework, there are a number of KA2 indicators where the LDF will have an important role to play in assisting with their delivery. The first two are specifically relevant to the MDE DPD.

- NI188 - Adapting to Climate Change
- NI 197 - Improved local biodiversity – proportion of local sites where positive conservation management has been or is being implemented
- NI 159 - Supply of ready to develop housing sites
- NI 154 - Net additional homes provided
- NI 155 - Number of affordable homes delivered (gross).

## **2.7 Response to Consultation**

2.7.1 In line with the Council's adopted Statement of Community Involvement, the policies and proposals in the MDE DPD have been developed in consultation with the general public and key stakeholders. In the spring of 2008, for a 7 week period between 14 March and 2 May, the Council undertook public consultation on the **Issues and Options Report**<sup>5</sup> under Regulation 25. This included a number of Stakeholder Workshops. Specific discussions were also held with key stakeholders to help identify locally-specific issues that needed to be examined and to assist in the development of policy. Such stakeholders included Parish Councils and local Amenity Groups, the Environment Agency, Natural England, English Heritage, CABE, Kent County Council, Kent Wildlife Trust, the Medway Valley Countryside Partnership and Creative Environmental Networks (CEN). These stakeholder views, along with those of local residents and businesses, were used to inform the content of the DPD to ensure that it properly reflected local issues. Details of the consultation process are set out in the **Pre-Submission Consultation Statement** which includes a detailed analysis of the response to consultation under Regulation 25.

## **2.8 Evidence Base**

2.8.1 The evidence base for the MDE DPD draws on a range of existing primary and secondary data sources. Where necessary, new surveys and research have been commissioned. In particular, the plan is supported by an Open Space Strategy prepared in full accordance with

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<sup>5</sup> Managing Development and the Environment DPD – Issues and Options Report – March 2008

the advice in PPG17. **Annex B** lists the main sources of evidence and other references drawn upon in preparing the DPD.

## **2.9 Sustainability Appraisal and Habitat Regulations Assessment**

- 2.9.1 Sustainability Appraisal is a systematic process which is carried out during the production of DPDs to ensure the policies and proposals contribute towards relevant environmental, social and economic objectives. Sustainability Appraisal incorporates the 'Strategic Environmental Assessment' (SEA) required as a result of the European Directive 2001/42/EC for plans and programmes that are likely to have a significant effect upon the environment.
- 2.9.2 A **Scoping Report** for the Managing Development and the Environment DPD was produced in the autumn of 2007 and was subject to a five week formal consultation with the statutory consultees<sup>6</sup> concluding on the 12 October 2007. This established the context within which the MDE DPD had to be prepared, the opportunities and challenges present, a baseline data-set for the Borough and a framework of sustainability objectives.
- 2.9.3 As part of the Sustainability Appraisal process, Local Authorities should aim to improve on the situation which would exist if there were no DPD and improve on the effects of the current development plan policy where this exists. To test this, a 'business as usual' option was considered.
- 2.9.4 All options generated were tested against the Sustainability Objectives to assess their sustainability. An **Interim Sustainability Appraisal** of the options was published alongside the Issues and Options Report in March 2008 in order to inform judgements about the sustainability of the options. The complete assessment of all options considered and the preferred policy approach is published in the **Final Sustainability Appraisal Report** at the pre-submission publication stage of the process.
- 2.9.5 In addition to Sustainability Appraisal, amendments made to the UK Conservation (Habitats and etc.) Regulations 2006 require a **Habitat Regulations Assessment** under Article 6(3) and (4) of the Habitats Directive 92/43/EEC for all land use plans likely to have a significant effect on a European site<sup>7</sup>. There are two European Sites in the Borough; Peters Pit and North Downs Woodland. To satisfy the requirements, Appropriate Assessment has to be undertaken before the adoption of a DPD. In line with Government advice Appropriate Assessment was undertaken as part of the appraisal of options

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<sup>6</sup> English Heritage, Natural England and the Environment Agency

<sup>7</sup> Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Sites (OMS)

process<sup>8</sup>. It forms an integral part of the Final Sustainability Appraisal Report.

## **2.10 The Main Issues**

2.10.1 Following an analysis of the evidence and a review of the existing Local Plan and Structure Plan policies and having regard to the results of public consultation on the Issues and Options and the findings of the Sustainability Appraisal, the following are main issues that this Plan is intended to address.

- How to minimise the impact of new development on climate change by reducing carbon emissions, optimising the harnessing of energy from renewable sources and minimising waste;
- How to ensure that new developments are designed so that they can adapt to the unavoidable consequences of climate change and minimise the impact of flooding;
- How to protect and enhance the biodiversity of the Borough and assist species to adapt to climate change by improving connectivity;
- How to accommodate necessary development in the countryside in a way that minimises any adverse impacts;
- How to protect and enhance sense of place and areas of local landscape and townscape character and ensure new development respects that character;
- How to conserve and protect the historic environment, including ancient monuments, listed buildings, Conservation Areas and Historic Parks and Gardens;
- How to protect the quality of life of residents in terms of water supply and quality, noise, atmospheric pollution, health and well-being, road safety and crime and disorder;
- How to protect and enhance existing open spaces, including their wildlife value, and ensure that new development makes adequate provision to meet the need generated by it;
- How to improve the safety and accessibility of open spaces and create an open space network that benefits residents and biodiversity, including linkages to the urban fringe, the countryside and along the river Medway.

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<sup>8</sup> DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment

### **3. Plan Objectives**

3.1.1 The Managing Development and the Environment DPD needs to achieve the following objectives. These establish its key policy directions and provide a framework for the development of appropriate indicators and targets for monitoring purposes (see Chapter 9). The following objectives are based on those in the Core Strategy that are relevant to this DPD but they have been refined in the light of the response to consultation on the Issues and Options Report.

1. To ensure that development makes the most efficient use of land and is designed to maximise sustainable transport opportunities, minimise energy consumption, and optimise use of low or zero carbon technologies and sustainable construction techniques.
2. To conserve and enhance the natural, urban and historic environment and local diversity.
3. To minimise and mitigate any adverse effects of necessary development on landscape, nature conservation and important historic assets, having regard to the need for the development and the economic importance of agriculture.
4. To ensure new development positively contributes to the vibrancy and spatial quality of towns and villages.
5. To maintain or enhance local character and distinctiveness.
6. To ensure a high standard of design of buildings and spaces in new developments.
7. To secure landscaping, public art and new open space, including natural greenspace and amenity planting, and protect and enhance existing open spaces and the biodiversity of the borough.
8. To ensure a high quality living environment, safe from crime and the fear of crime and free from the risks of flooding, land and water contamination, noise and air pollution.
9. To protect and enhance public access to all of the Borough's natural and historic heritage in a managed way which recognises the fragility of these resources.

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## **4. Climate Change**

### **4.1 Introduction**

- 4.1.1 This Chapter aims to achieve MDE DPD Objectives 1, 3, and 8, as set out in Chapter 3.
- 4.1.2 The policies are framed nationally by, most significantly, the Supplement to PPS1 on Climate Change (including the working draft of practice guidance to support the PPS1 Supplement) and by PPS22 on Renewable Energy and its companion guide. Regionally, the policies in the South East Plan that are most pertinent are CC2 on Climate Change and those contained in the Natural Resource Management chapter. Locally, the policies in the MDE DPD have been developed pursuant to Core Policies CP1 'Sustainable Development' and CP24 'Achieving a High Quality Environment' and by the guidance and good practice in the 'Kent Design' SPD. In addition to the policies in this chapter, Core Policy CP2 contributes to the objectives on Climate Change by seeking to minimise the need to travel in order to reduce CO<sub>2</sub> emissions generated from transport.
- 4.1.3 There is an overwhelming body of scientific evidence now that clearly indicates nationally that climate change is a serious and urgent issue<sup>1</sup>. The Earth's climate is rapidly changing, mainly as a result of increases in greenhouse gases caused by human activities. The current level of greenhouse gases in the atmosphere is equivalent to around 430 parts per million (ppm) and this is rising at around 2.3 ppm per year. 450 ppm is widely regarded as a tipping-point, which would trigger the onset of the irreversible melting of the Greenland ice sheet and subsequent significant rises in sea-levels. As a consequence, tackling climate change is a key Government priority for the planning system as set out in the Supplement to PPS1. This is reflected in the South East Plan, with Policy CC2 requiring local authorities to help reduce the region's carbon dioxide emissions by at least 20% below 1990 levels by 2010 and by at least 25% below 1990 levels by 2015.
- 4.1.4 The effects of climate change in Tonbridge and Malling have become increasingly evident in recent years. In October 2000, following heavy and prolonged rainfall, the Leigh Reservoir was at capacity and the flood barrier was opened for a controlled release to prevent a possible damaging surge from overflow. Tonbridge narrowly escaped severe flooding from the Medway. However, some areas off the High Street did experience flooding from the Botany Stream. Following serious local flooding at East Peckham over the New Year period in 2002, a dam has been constructed by the Borough Council in association with the Environment Agency to protect homes from such flooding in the future.

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<sup>1</sup> Stern Review – October 2006

- 4.1.5 In contrast, during the past few years, due to insufficient seasonal rainfall, hosepipe bans have come into effect at certain times during the summer months. These extremes of events are a local reflection of the global phenomenon of climate change. Historical data also highlights that Tonbridge and Malling is located in one of the driest, hottest and sunniest regions in the United Kingdom<sup>2</sup>. It is also a place where new development and traffic growth have and will continue to proceed at a rapid pace and consequently it is locally important that sustainable approaches to development are applied as a priority.
- 4.1.6 The Council has responded by identifying 'tackling the causes and effects of climate change' as one of its key priorities in 'Spotlight', the Council's Corporate Performance Plan. To help achieve this, a **Climate Change Strategy** has been prepared by the Borough Council. This Strategy sets out what the Council intends to do to assist with addressing climate change issues and covers both the contribution our key services can make to this and our leadership role within the community to encourage individuals and businesses to adopt a more sustainable way of life. It is the intention that the MDE DPD will help deliver many of the actions set out in the Council's Climate Change Strategy, particularly those relating to sustainable development.
- 4.1.7 The Climate Change policies in this chapter are broken into two broad areas:
- **Mitigation** - how planning can contribute to reducing energy consumption and therefore emissions (in particular CO<sub>2</sub>) and stabilising climate change and,
  - **Adaptation** - how planning can ensure that developments are designed so that they can adapt to the unavoidable consequences of climate change, e.g. hotter summers and wetter winters.

There are certain issues, in particular **water efficiency** and **passive gain**, where there are policies that effectively cover both areas.

## 4.2 Mitigation

- 4.2.1 This section sets out policies designed to minimise the negative impacts of development on the climate.

### ***Mitigation: Sustainable Design***

- 4.2.2 In the design of developments, the Council will seek to minimise energy demands (use less energy). Once this is achieved, meeting a proportion of the energy needs of the development during its lifetime from low or zero carbon technologies<sup>3</sup> will be sought. To effectively minimise the

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<sup>2</sup> Met Office, Climate Change Averages 1971-2000

<sup>3</sup> Low or Zero Carbon technologies include: solar water heating, photovoltaics, wind turbines, biomass heaters/stoves or boilers, combined heat and power (chp), ground source heat pumps, geothermal heating systems and small scale hydro power.

energy requirements of developments during their lifetime and thereby reduce their CO<sub>2</sub> emissions, they first need to be designed in an energy efficient way.

- 4.2.3 By carefully considering such matters as orientation, massing, landscaping, building materials, insulation, air-tightness, heating, cooling and lighting systems, the energy demands of developments can be significantly lowered, the result being that fewer carbon dioxide emissions are produced. This, in turn, will mean the actual amount of energy that will need to be supplied from low or zero carbon technologies will be significantly less than if no energy efficiency measures had been included at the design stage. An additional value of designing energy-efficient dwellings is the minimising of fuel costs. In the light of rising energy costs and the fact that 5.4% of households in the Borough are fuel poor<sup>4</sup>, this is a particularly significant issue locally.
- 4.2.4 Whilst it is important that developments harness as much energy as possible from natural renewable sources such as the sun, consideration needs to be given to the longer-term impacts of climate change, namely hotter, drier summers. Designing the layout, building orientation and landscaping of developments will need to strike a balance between harnessing natural heat and light from the sun, particularly in the winter, and maximising cooling during the summer months. This balanced approach can help reduce the energy demands of development by minimising the need for artificial lighting, heating, cooling and ventilation. This is particularly important in Tonbridge and Malling given that it is located in one of the sunniest regions in the United Kingdom<sup>5</sup>.
- 4.2.5 Nationally recognised standards for assessing the environmental performance of new developments currently exist, most notably: the **Building Research Establishment Environmental Assessment Method (BREEAM)** and the Government's **Code for Sustainable Homes**.
- 4.2.6 The **BREEAM standards** focus on a broad range of environmental impacts including: management, health and well-being, energy, transport, water, materials and waste, landuse and ecology and pollution. BREEAM standards exist for any form of development including: offices, retail, industrial and healthcare and community. The **BREEAM EcoHomes Standard** applies to conversions to residential use and the refurbishment of housing, with the exception of most sheltered homes, nursing homes and student accommodation for which a bespoke EcoHomes assessment is required. In April 2007, the Code for Sustainable Homes replaced EcoHomes for the assessment of new housing in England but the EcoHomes Standard still applies to conversions and refurbishment.

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<sup>4</sup> The Tonbridge and Malling Private Sector House Condition Survey 2006

<sup>5</sup> Met Office, Climate Change Averages 1971-2000

- 4.2.7 The **Code for Sustainable Homes** (CSH) is a set of environmental standards designed to improve the overall sustainability of new homes. The Code provides a framework within which home builders can be recognised for going beyond the requirements of the current Building Regulations on environmental performance. The Government's programme for revising the Building Regulations can be interpreted in terms of the different Code Levels. By 2010 the Government proposes to revise the Building Regulations to the equivalent of Code Level 3 (25% energy efficiency improvements on current Part L of the Building Regulations). By 2013 the improvement will be to Code Level 4 (44% improvement) and by 2016 the improvement will be to Code Level 6 (zero-carbon).
- 4.2.8 Mandatory ratings have been introduced. To ensure that the rating is independent and trustworthy, a Code assessment can only be carried out by a licensed and accredited Code assessor. All new social housing must be built to a minimum of Code Level 3. Also, all new homes are now required to have a Code rating in the Home Information Pack (HIP). Homes not assessed against the Code must include a nil-rated certificate of non-assessment in the HIP.
- 4.2.9 The Local Development Framework provides the opportunity to anticipate levels of building sustainability in advance of those set nationally where local circumstances warrant and allow this. Tonbridge and Malling is in one of the driest regions in the United Kingdom<sup>6</sup>. The South East also experiences high levels of water demand which is increasing due to new development and lifestyle changes. This has resulted in the Borough being classified as an 'Area of Serious Water Stress' by the Environment Agency<sup>7</sup>. In addition, the Medway Greensand unit, which is one of the water supply zones for Tonbridge and Malling, has been classified as 'over abstracted'<sup>8</sup>. Given these local circumstances and there being potential in the Borough to harness energy from a number of renewable sources, including solar and biomass, the Council considers that the achievement of Code Level 4 of the Code for Sustainable Homes should be encouraged.
- 4.2.10 On the matter of **on-site renewable energy generation** to meet the needs of development, the South East Plan sets thresholds of 10 dwellings or 1000m<sup>2</sup> of non-residential floor-space above which at least 10% of the development's energy requirement should be secured from decentralised renewable sources. However the Policy (NRM11) states that this should be used in advance of local targets being set in Development Plan Documents. Pursuant to this, the study prepared by CEN assessed what targets for CO<sub>2</sub> emission reductions from installed low or zero carbon technologies (LZC) could feasibly be achieved. The study concluded that at least a 10% reduction in CO<sub>2</sub> emissions from installed LZC is realistically achievable for all new residential and non-residential development in the Borough. This is particularly important

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<sup>6</sup> Met Office, Climate Change Averages 1971-2000

<sup>7</sup> Areas of Water Stress: Final Classification 2007

<sup>8</sup> Medway Catchment Abstraction Management Strategy April 2005

given that a significant proportion of extant planning permissions for residential development (77%), are for schemes of fewer than 5 units (as at 31st March 2008).

- 4.2.11 Policy CC1 has been prepared pursuant to Policy CP1 in the adopted Core Strategy, in particular the need for 10% of energy requirements to be generated on-site from alternative energy sources. This requirement has been interpreted for the purpose of CC1 as reducing the baseline CO<sub>2</sub> emissions from developments by 10% by integrating renewable energy technologies. This is good practice and is the methodology used for calculating how the criteria in category 1 in the Code for Sustainable Homes on 'Energy and Carbon Dioxide Emissions' are being met. To undertake the calculations, baseline figures on estimated CO<sub>2</sub> emissions from developments should be derived from either the Standard Assessment Procedure (SAP) ratings or the benchmark figures outlined in the London Renewables Toolkit.
- 4.2.12 On the matter of standalone renewable energy proposals, the Council will assess these against advice in PPS1 Supplement on Climate Change and the Working Draft of Practice Guidance to Support the PPS1 Supplement on Climate Change, PPS22 and its companion guide, having regard to the Character Area Appraisals SPD and, in the case of schemes proposed in the Kent Downs Area of Outstanding Natural Beauty (AONB), the position statement on renewable energy prepared by the Kent Downs AONB Unit.
- 4.2.13 Guides on renewable energy technologies have been prepared by the Council and are free upon request or via the Council's website (<http://www.tmbc.gov.uk/cgi-bin/buildpage.pl?mysql=3172>). These explain how each technology works, where and when it is suitable and provides links to organisations with significant expertise including the Centre for Alternative Technology and the Energy Saving Trust.
- 4.2.14 In accordance with advice in PPS22 and its companion guide, the following policy will be applied flexibly in the case of Listed Buildings, Locally Listed Buildings and Conservation Areas. In all cases, in applying this policy regard will be paid to its impact on the overall and ongoing viability of the development proposed. The Council appreciates that these technologies and design solutions may cost money. However, research undertaken by the Department for Communities and Local Government<sup>9</sup> has demonstrated that adopting site-wide approaches can be more cost effective. The same research also concluded that the costs of compliance with the Code for Sustainable Homes are expected to fall over time and that by 2016 they could have reduced by between 16% and 25% depending on Code level. In cases where the full requirements of the following Policy are not met, applicants will be required to submit an open-book assessment of the proposal explaining precisely how inclusion of all the requirements of

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<sup>9</sup> Cost Analysis of the Code for Sustainable Homes, July 2008

the policy will make it undeliverable, taking into account the ongoing performance and costs of the development.

- Policy CC1**
- 1. All proposals for new development, building conversions, refurbishments and extensions will be required to incorporate passive design measures to reduce energy demand. Proposals will be required to be well insulated and air tight and designed to take advantage of natural light and heat from the sun and use natural air movement for ventilation, whilst maximising cooling in the summer. This should be achieved by such of the following means as practicable:**
    - (a) orientating windows of habitable rooms within 30<sup>0</sup> degrees of south and utilising southern slopes;**
    - (b) locating windows at heights that allow lower sun angles in the winter and installing shading mechanisms, for example awnings, to prevent overheating during summer months;**
    - (c) using soft landscaping, including deciduous tree planting, to allow natural sun light to pass through during the winter months whilst providing shade in the summer;**
    - (d) integrating passive ventilation, for example wind-catchers installed on roofs; and**
    - (e) planting green roofs to moderate the temperature of the building in order to avoid the need for mechanical heating and/or cooling systems.**
  - 2. The achievement of Code Level 4 of the Code for Sustainable Homes will be encouraged in all proposals for new residential development, (excluding extensions and conversions). Water efficiency measures including the installation of storage facilities for the harvesting of rainwater for external and internal water use should be included in meeting Level 4.**
  - 3. Proposals for new residential development will not be permitted unless at least 10% of the estimated CO<sub>2</sub> emission savings for each new dwelling are achieved from installed low or zero**

carbon technologies<sup>10</sup>. The calculation of the annual energy demand for each new dwelling will be required to include the energy use for space heating, water heating, fixed lighting and ventilation and also the energy use from cooking and other appliances, (where supplied with the dwelling) as required by the Code for Sustainable Homes. For major developments, site-wide strategies incorporating larger installations such as combined heat and power will be encouraged.

**4. Conversions of properties to residential use will not be permitted unless BREEAM's Homes 'Very Good' Standard is achieved.**

**5. Proposals for new office (B1) or retail and related development (A1, A2, A3 and A4) (excluding extensions) will not be permitted unless savings of at least 10% of the estimated CO<sub>2</sub> emissions are achieved from installed low or zero carbon technologies. In addition, proposals for new office or retail and related development of more than 1000m<sup>2</sup> (including extensions) will not be permitted unless they achieve the relevant BREEAM 'Very Good' Standard. For all other non-residential development Policy NRM11(i) of the South East Plan will apply.**

**6. In all cases, the Council will have regard to the impact of these requirements on the viability of development.**

4.2.15 In addition to Policy CC1, regard must be paid to the **Kent Design SPD**. This SPD includes guidance on energy and water usage, including measures that can be incorporated into new buildings to reduce consumption. The SPD itself is supplemented by a technical appendix on 'Water Efficient Homes'. Regard must also be paid to the Council's guides on Water Efficiency and Sustainable Drainage Systems (SUDS), directing planning applicants to technical advice and identifying and explaining in more detail ways of saving water at home and the different forms of SUDS and when they are appropriate (see also Policy CC3).

4.2.16 Further illustrated details are set out in the Kent Design SPD, and good practice is contained in 'Adapting to climate change: a checklist for development' (November 2005) produced by the Three Regions Climate Change Group. With rapidly rising domestic energy charges, the Council considers that the high energy-efficiency rating of new

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<sup>10</sup> This is the equivalent of achieving 1 credit in relation to Ene 7 in the Code for Sustainable Homes. Low or Zero Carbon technologies include: solar water heating, photovoltaics, wind turbines, biomass heaters/stoves or boilers, combined heat and power (chp), ground source heat pumps, geothermal heating systems and small scale hydro power.

developments, in particular the potential long-term cost-savings on fuel, can and should be used as a positive marketing tool to prospective purchasers.

**Mitigation: Waste Minimisation**

- 4.2.17 PPS10: Planning for Sustainable Waste Management sets out the Government's planning policies for waste management. It concentrates on the need to reduce, re-use and recycle waste, according to the waste hierarchy. This approach is reflected in the policies in Chapter 10 of the South East Plan and in Core Policy CP1.4. Kent County Council is the Waste Planning Authority with the responsibility for the preparation of the Waste Development Framework.
- 4.2.18 From 6 April 2008, a **Site Waste Management Plan** (SWMP) must be prepared for all new construction projects worth more than £300,000. Details are set out in Statutory Instrument 2008 No.314.
- 4.2.19 The Institute of Civil Engineers (ICE) has produced a **Demolition Protocol** that provides a pragmatic set of methodologies to achieve resource efficiency in construction, demolition and refurbishment projects. The protocol involves auditing the materials on site, allowing them to be allocated for uses within the new development or elsewhere, thereby reducing the amount of material going to landfill. The Council will expect this Protocol to be followed, wherever appropriate.
- 4.2.20 The Waste Resources & Action Programme (WRAP) established in 2000 as a not-for-profit company provides help to the construction industry on reducing waste and recycling more, making better use of resources and helping to tackle climate change. The Council advocates the use of the **WRAP Recycled Content Toolkit**.
- 4.2.21 In 2007/08 over 99% (99.5%) of new residential development in the Borough (including conversions and change of use) took place on previously-developed ('brownfield') land<sup>11</sup>. It is predicted that this high level of brownfield development will continue. In the light of this, Policy CC2 emphasises the need for developments to be designed and constructed so as to minimise waste production through the re-use of demolition materials.

- Policy CC2**
- 1. Proposals for development will not be permitted unless they are designed and constructed to minimise waste production and associated impacts through the re-use of construction and demolition materials.**
  - 2. For redevelopment proposals, where demolition forms part of a new build process, and also for new build proposals, the ICE Demolition**

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<sup>11</sup> Tonbridge and Malling Borough Local Plan, Annual Monitoring Report 2008



**Protocol will be required to be followed to maximise the potential for the re-use of demolition waste.**

**3. Site Waste Management Plans, when required, must include procedures for minimising waste produced on site as well as sorting, re-using and recycling the waste that is produced.**

**4. Proposals for development will not be permitted unless they incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and, in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.**

- 4.2.22 In addition to Policy CC2, regard must be paid to the Kent Design SPD. This SPD provides guidance on Sustainable Materials, Sustainable Construction and Waste Minimisation and Recycling.

#### ***Mitigation: Location of Development***

- 4.2.23 The location of new development and how it relates to existing settlements and services has an impact on the environment and ultimately on the climate. Promoting sustainable patterns of development that reduce the need to travel and, where possible, enhance the choice of transport modes including public transport, cycling and walking can help mitigate these impacts. These objectives under-pin Core Strategy Policies CP1 and CP2 and it is these policies that have shaped the spatial distribution of development sites in the Development Land Allocations DPD.

### **4.3 Adaptation**

- 4.3.1 This section sets out policies designed to promote measures to ensure developments adapt to the forecast effects of climate change, i.e. hotter drier summers and wetter winters. For the issues of **water-efficiency** and **reducing solar gain**, the relevant policies on adaptation have been integrated into mitigation Policy CC1.
- 4.3.2 In addition to the policies in this section, regard should also be paid to the 'Working Draft of Practice Guidance to Support the PPS1 Supplement on Climate Change' and 'Adapting to climate change: a checklist for development' (November 2005) prepared by the Three Regions Climate Change Group. The latter document contains a useful checklist and guidance for new developments to adapt to climate change.

### **Adaptation: Sustainable Drainage**

4.3.3 Development can result in increased surface water run-off and reduced infiltration of water into the ground. Couple this with the potential for more intense rainfall as an expected effect of climate change and concerns arise as to the impact of development on flooding. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. At the site level, Sustainable Drainage Systems (SUDS) offer an alternative to traditional approaches to managing runoff from buildings and hardstandings. SUDS can attenuate surface water runoff, recharge groundwater, protect water quality and provide an amenity and wildlife enhancement.

4.3.4 Sustainable Drainage (SUDS) Techniques include:

- preventative measures, e.g. rainwater harvesting, green roofs and water butts;
- filter strips and swales – vegetated landscape features with smooth surfaces and a gentle downhill gradient to drain water evenly off impermeable surfaces;
- infiltration devices like soakaways which allow water to drain directly into the ground;
- storm water tanks if necessary;
- permeable and porous pavements, driveways, footpaths, car parking areas and access roads; and
- basins, reed beds and ponds designed to hold water when it rains.

4.3.5 Not all SUDS techniques are appropriate for all ground conditions. For example, infiltration devices are not appropriate in areas with high ground water levels or clay soils, which do not allow free drainage in some locations. The integration of inappropriate SUDS techniques in new developments could potentially result in excess surface water infiltrating and overloading the public sewerage system. This could cause surcharging and wastewater flooding of properties. To prevent failure, the design of SUDS must be appropriate for the location, for example consideration should be given to rainwater harvesting, green roof systems and opportunities for permeable paving if soil permeability is low. In addition, suitable arrangements must be in place for their long-term maintenance in all cases. The multi-functional role of SUDs, eg potential for habitat creation, biodiversity enhancement and recreation uses, should be delivered, where practicable.

**Policy CC3**      **1. Development will not be permitted if it has an unacceptable effect on the water environment, including surface water and groundwater quality and quantity, river corridors and associated wetlands.**

2. Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development.

3. Where SUDS are used, they will be required, where appropriate and practicable, to deliver recreation and wildlife benefits.

4. Development proposals incorporating SUDS must include an agreement to ensure future management, maintenance and replacement, when necessary, of the SUDS structures.

5. Where it is not practicable to use SUDS, the development proposal will need to demonstrate that an appropriate alternative means of surface water drainage to ground watercourses or surface water sewers is incorporated.

- 4.3.6 In addition to Policy CC3, regard must be paid to the Kent Design SPD and to the **Interim Code of Practice for SUDS** (2004). Regard must also be paid to the Council's guide on SUDS, directing planning applicants to technical advice and identifying and explaining in more detail the different forms of SUDS and when they are appropriate. Consultation with the Environment Agency to ensure the requirements of the **Groundwater Regulations** are complied with will also be necessary.

***Adaptation: Winter Water Storage***

- 4.3.7 To adapt to the inevitable effects of climate change there is a need to consider how flood storage capacity, and water harvesting in general, can be increased sustainably and how new water resources can be developed.
- 4.3.8 At the domestic level, the issue of water efficiency of new dwellings and the need to harvest water for external and internal use through the installation of water butts are addressed in Policy CC1, particularly through the requirements of the Code for Sustainable Homes.
- 4.3.9 The development of agricultural winter water storage reservoirs, coupled with rainwater harvesting installations on agricultural buildings, can not only help to reduce the need for summer abstraction but can also create natural habitats for flora and fauna which can support the delivery of MDE DPD Objectives 2 and 7.

- 4.3.10 The South East England Development Agency (SEEDA) has established the Rural Development Programme for England (RDPE), which is a source of funding for farmers, growers and foresters helping them to secure a sustainable future for their business. Such schemes that qualify include water management facilities (e.g. reservoirs) with grant aid available to meet up to 40% of the costs.
- 4.3.11 Whilst the focus of the following policy is winter water storage on farms, the Council will support water harvesting in general, providing this is in compliance with other policies in this plan.

- Policy CC4**
- 1. The development of winter water storage reservoirs and other forms of water harvesting will be encouraged, particularly on farms, as a means of reducing summer abstraction from existing water resources.**
  - 2. Reservoirs should be designed, where appropriate and practicable, to incorporate wildlife and landscape features including permanent deep water, shallow berms and islands and include marginal planting, hedges or shelter belts and embankments sown with traditional grass and wildflower mixes.**

- 4.3.12 In addition to this policy, regard should be paid to best practice in farm reservoirs set out in **Farm Reservoirs – adding wildlife and landscape value**<sup>12</sup>.

***Adaptation: Facilitating Habitat and Species Migration***

- 4.3.13 The impacts of climate change will present threats and opportunities to natural habitats and species. In order for species to survive, opportunities will need to exist for them and their habitats to migrate. The ability of species to move and respond to the impacts of climate change will be limited if habitats are further fragmented. The **Green Infrastructure Network Diagram** (see Policies NE2, NE3 and OS5) seeks to address the issue of the connectivity of wildlife habitats in the interests of protecting, and where possible, enhancing local biodiversity and allowing them to adapt to the impacts of climate change.

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<sup>12</sup> Prepared by Kent and Sussex Farming & Wildlife Advisory Group (FWAG) with funding from the Kent Downs AONB Sustainable Development Fund

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## **5. Natural Environment**

### **5.1 Introduction**

- 5.1.1 This Chapter aims to achieve, in particular, MDE DPD Objective 2 but also Objectives 3, 5, 7 and 9, as set out in Chapter 3. It contains a detailed set of policies for the protection/conservation and enhancement of the natural environment and provides a framework for development control decisions.
- 5.1.2 The policies in this Chapter are framed nationally by PPS9 on Biodiversity and Geological Conservation and its good practice guide, and PPS7 Sustainable Development in Rural Areas. Regionally, the policies in the South East Plan that are most pertinent are Policies C4 Landscape and Countryside Management, C6 Countryside Access and Rights of Way Management, NRM5 Conservation and Improvement of Biodiversity and NRM7 Woodlands. Locally, this chapter has been developed pursuant to Core Policy CP1 'Sustainable Development' and CP25 'Mitigation of Development Impacts' and by the guidance and good practice in the 'Kent Design' SPD .
- 5.1.3 The planning system has a key role to play in protecting and improving the natural environment. Tonbridge and Malling has significant natural assets important for biodiversity ranging from sites of local/regional importance to nationally and internationally designated areas. The Borough is also home to a series of Kent Biodiversity Action Plan (BAP) Priority Habitats as well as two Areas of Outstanding Natural Beauty and a number of protected species. The quality of the local natural environment is high and is sensitive to impacts. For these reasons, the Council will seek to ensure that the natural environment is protected from inappropriate development and opportunities for enhancement will be sought wherever possible through the planning process. All decisions will be made in line with PPS9 and the ODPM Circular 06/2005.
- 5.1.4 Local Authorities, as well as other Public Authorities, have a duty to conserve and enhance biodiversity and the natural environment under the Biodiversity Duty introduced by the Natural Environment and Rural Communities Act 2006. A similar duty is also placed on Local Authorities under Section 85 of the Countryside and Rights of Way Act 2000 in relation to Areas of Outstanding Natural Beauty. Conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them. Biodiversity is a core component of sustainable development, and has an important role to play in developing locally distinctive and sustainable communities and is vital in our response to climate change. For example, trees and woodland can make an important contribution towards reducing levels of carbon dioxide in the atmosphere by storing carbon, and can enhance the range of different natural resources (biodiversity) and the character of the landscape and built environment. Core Strategy Policy CP1 sets out

the Council's broad objectives and principles for delivering sustainable development, including conserving and enhancing the natural environment. Regard should also be had to the Kent Design SPD and its technical appendix on 'Biodiversity' which provide detailed technical advice on biodiversity issues.

## 5.2 International/National sites

- 5.2.1 The most important sites for biodiversity (those identified through international conventions and European Directives such as **Special Protection Areas** (SPAs) and **Special Areas of Conservation** (SACs)) enjoy statutory protection. In Tonbridge and Malling Borough, there are two SACs; the North Downs Woodland (split in two locations) and Peters Pit both of which are situated in the north of the Borough. Presently there are no SPAs within Tonbridge and Malling. The two SACs are identified on the Proposals Map and enjoy statutory protection under European legislation and the draft Conservation (Natural Habitats) (Amendment) (England and Wales) Regulations 2006.
- 5.2.2 **Sites of Special Scientific Interest** (SSSI) which are of national importance for nature conservation but are not part of the internationally important features are subject to Core Policy CP8. Developments likely to affect these SSSI sites will be considered in the context of PPS9, the legislative provisions of Section 281 of the Wildlife and Countryside Act (as inserted by the Countryside and Rights of Way Act 2000), and Part 2 of ODPM Circular 06/2005 relating to the statutory requirements, as well as the Good Practice Guide to PPS9 published by the ODPM in March 2006.

## 5.3 Local Sites of wildlife, geological and geomorphological interest

- 5.3.1 Wildlife and geological sites of regional and local importance also need to be protected from inappropriate development. PPS9 notes that plans should include criteria-based policies against which new developments affecting sites will be judged and the mitigation measures required.
- 5.3.2 The term 'Local Sites' refers to Local Wildlife Sites (formerly known as Sites of Nature Conservation Interest), Regionally Important Geological Sites (RIGS) and Local Nature Reserves (LNRs). These sites have been identified in consultation with the Kent Biodiversity Steering Group<sup>1</sup> and the Kent RIGS Group<sup>2</sup>.
- 5.3.3 There are currently 46 Local Wildlife Sites (LWS) in the Borough, the largest of which is Mereworth Woods which is identified for its ancient and secondary woodland. The smallest is St Lawrence's Church,

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<sup>1</sup> Includes representatives from Natural England, local authorities, the Environment Agency, the Forestry Commission, the Wildlife Trust, the AONB Unit, the NFU, CLA, FWAG and the RSPB.

<sup>2</sup> The group responsible for identifying Regionally Important Geological Sites in Kent

Mereworth which is identified for its variety of lichen species. In total some 3,340ha are covered by LWS in the Borough, accounting for 14% of the total land area. There are currently two Local Nature Reserves in Tonbridge and Malling and the Council supports their further identification.

5.3.4 In addition, there are 9 identified RIGS sites in the Borough. These are predominantly located in the north of the Borough in the areas of Wealden Greensand and the North Downs. RIGS sites can be identified as either an 'Integrity Site' if they contain finite or limited deposits or landforms that are irreplaceable if destroyed, or an 'Exposure Site' where the site provides an exposure of a deposit that is extensive and plentiful underground. These sites can be identified for one or more of the following reasons:

- as an educational resource – school visits etc;
- for scientific study – University students and geology professionals;
- as an historical Asset – key site for understanding earth science history; or
- for their aesthetic value.

5.3.5 All Local Sites are identified on the Proposals Map and listed in Policy Annex NE1. Any new Local Sites which come forward in the future, or any amendments to existing sites, will be considered on their merits in the context of Policy NE3. A full Register of Local Sites can be viewed at the Borough Council offices. The following policy will apply:

- Policy NE1**
- 1. Development that adversely affects either directly, indirectly or cumulatively a Local Wildlife Site (LWS) or Local Nature Reserve (LNR), as identified and on the Proposals Map and listed in Policy Annex NE1, will not be permitted unless it can be demonstrated that the benefits of the development override the need to safeguard the nature conservation value of the site and that adverse impacts can be adequately compensated.**
  - 2. Where development may exceptionally be justified, it must minimise harm to the nature conservation interest of the site, and re-establish and enhance the habitat, or nature conservation features lost.**
  - 3. Development that would adversely affect a Regionally Important Geological Site (RIGS) as identified on the Proposals Map and listed in Policy Annex NE1, will not be permitted unless it can be demonstrated:**

- (a) that the benefits of development override the need to safeguard the particular geological or geomorphological interest of the site, and
- (b) that any adverse impacts can adequately be mitigated.

**4. Planning conditions or obligations will be used to protect the site's nature conservation, geological or geomorphological interest, and to provide appropriate mitigation or compensatory measures and site management.**

## **5.4 Biodiversity**

5.4.1 Tonbridge and Malling Borough contains a wide variety of wildlife, including individual species and the habitats that support them. This biodiversity is integral to the character of the Borough and also contributes to the quality of life in the area.

### ***Protected Species***

5.4.2 In addition to those sites designated for their particular importance for biodiversity or geology, the Borough is also home to many protected species. As many individual wildlife species receive statutory protection under a range of legislative provisions, PPS9 advises against the incorporation of a specific policy in Local Development Documents. As a matter of principle, developments which affect the conservation status of a protected species will be refused. Applicants should refer to the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, and the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) in relation to species that receive statutory protection. For further information on this matter they should also refer to the Natural Environment and Rural Communities Act, as well as UK BAP and Kent BAP Species, Red Data Book Species<sup>3</sup>, and Species of Conservation Concern<sup>4</sup> in relation to species of principal importance.

5.4.3 The BRANCH Project<sup>5</sup> has demonstrated that in response to climate change, new areas of habitat will need to be created in order to maintain the various populations of protected species.

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<sup>3</sup> These are lists of species whose continued existence is threatened and are compiled by the International Union for Conservation of Nature (IUCN)

<sup>4</sup> These species are listed as a UK priority species

<sup>5</sup> The Interreg IIIB funded **Biodiversity Required Adaptation in Northwest Europe** under a **CHanging Climate Project** brought together planners, policy makers and scientists from England, France and the Netherlands to show how spatial planning could help biodiversity to adapt to climate change



### **Habitat Networks**

- 5.4.4 The Kent Habitat Survey 2003, confirms that Tonbridge and Malling supports a broad range of habitats including acid, calcareous and neutral grassland, heathland, broadleaved, mixed and yew woodland, wetlands and littoral sediment. The Borough has the largest extent of inland rock in the county, representing almost a quarter of the total resource. Over 93%<sup>6</sup> of this is the result of quarrying operations. In addition, there is 128ha<sup>7</sup> of UK BAP priority habitat chalk grassland in the Borough, representing nearly 8%<sup>8</sup> of the county resource.
- 5.4.5 Due to pressures from development, land management and changes in agricultural practices, habitats often now occur as fragments within the landscape. The fragmentation of habitats (both terrestrial and aquatic) can obstruct routes for migration and the genetic exchange of species in the wider environment. The BRANCH Project has demonstrated how the distribution of species can alter in response to climate change. It is important, therefore, that the potential impact of warmer drier summers and wetter winters on the natural environment is recognised and accommodated within the LDF, and this can be done by the creation of functional ecological networks.
- 5.4.6 In line with PPS9 the Council will aim to maintain and enhance those important natural habitat types identified pursuant to Section 41 of the Natural Environment and Rural Communities Act. In addition, PPS9 requires the Borough Council to maintain wildlife corridors, reduce fragmentation and isolation and enhance the habitat network through seeking the creation of new habitats in the areas of strategic biodiversity opportunity identified within the Borough. The South East Plan identifies biodiversity targets for several habitats, including calcareous grassland in the North Downs and broadleaved, mixed and yew woodland, and coniferous woodlands in both the North Downs and Weald.
- 5.4.7 In addition to the broad areas identified in the South East Plan, the **Kent Landscape Information System (KLIS)**<sup>9</sup> habitat opportunity mapping and the **Living Landscapes for the South East** study produced by the Wildlife Trusts identify opportunities for woodland and acid grassland & heath creation in the centre of the Borough, wetland creation in the south around Tonbridge, and potential for grassland (both chalk and neutral) creation predominantly in the north of the district.
- 5.4.8 The **Kent Biodiversity Action Plan** underlines this commitment to safeguarding and enhancing biological diversity in Kent. It seeks to safeguard and improve priority habitats and species found in the wider countryside and identifies areas of biodiversity opportunity where net

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<sup>6</sup> Kent Habitat Survey 2003, p55

<sup>7</sup> Kent Habitat Survey 2003, p55

<sup>8</sup> Kent Habitat Survey 2003, p55

<sup>9</sup> <http://extranet7.kent.gov.uk/KLIS/home.htm>

improvements can be achieved. These areas of biodiversity opportunity broadly reflect the Kent BAP habitats and form part of the green infrastructure of the Borough as illustrated on the **Green Infrastructure Network Diagram**.

- 5.4.9 Habitat enhancement and creation should be based on a clear understanding of the biodiversity interest of the development site (and other areas affected) in the context on the ecology of the area, as well as an understanding of national, regional and local biodiversity priorities and targets. This must be based on up-to-date data for the area including specific surveys of sites concerned. The potential value to biodiversity of previously developed land and previously worked sites should also be taken into account.
- 5.4.10 When considering biodiversity enhancements, applicants should pay attention to the potential to enhance the Kent Biodiversity Action Plan habitats as identified on the Green Infrastructure Diagram. Opportunities should be sought to build biodiversity into the design of all new development in line with the aims of PPS9 and its supporting good practice guide and PPS7. Information on habitats and species that have been recorded in the Borough is available from the **Kent and Medway Biological Records Centre**. The identification of areas of habitat opportunity would not necessarily preclude development in these areas but the Council would seek to ensure that it is carried out in a manner which consolidates or enhances the network and does not break its continuity.

- Policy NE2**
- 1. The biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced.**
  - 2. The restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets having regard to the areas of biodiversity opportunity identified on the Green Infrastructure Network Diagram.**

- 5.4.11 The Borough Council supports a multi-functional approach to habitat enhancement and creation where it can be demonstrated that the biodiversity function of a site can co-exist alongside formal and informal recreational or improved access in line with aims and objectives of the Policies C4 and C6 of the South East Plan, Policy OS5 of this plan and Kent County Council's **Countryside Access Improvement Plan**. However, it is recognised that ecological and recreational/access uses can sometimes conflict with one another and in these instances the advice of other appropriate organisations<sup>10</sup> will be sought in order to obtain local advice and guidance in the implementation of projects.

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<sup>10</sup> Natural England, Environment Agency, Kent Wildlife Trust, RSPB

- 5.4.12 The land management regimes adopted by organisations responsible for land management, including the Borough Council and County Council may also potentially conflict with biodiversity aims. Where plans for land management and contract maintenance come forward, the Borough Council will seek to promote regimes that incorporate habitat protection and enhancement.

***Impact of Development on Local Biodiversity***

- 5.4.13 Development has the potential to impact on biodiversity directly and indirectly. Direct adverse effects include land-take and habitat destruction, whilst indirect effects can include such things as downstream pollution of water courses or the severance of a wildlife corridor thereby preventing movement of species between habitats. On the other hand, development also has the potential to maintain and enhance existing habitats and reverse fragmentation by creating new habitats. These factors are particularly important in Tonbridge and Malling due to the diverse nature of the various pressures from development that require strong and specific local approaches.
- 5.4.14 Development proposals can potentially have adverse impacts on nature conservation both individually and cumulatively. Within the Borough, some areas have been designated as being of particular local importance for biodiversity and geology. These sites are covered by Policy NE1 and are shown on the Proposals Map. However, in addition to these sites, other areas can also be of considerable biodiversity value. Policy NE2 seeks to protect and enhance areas of biodiversity value across the borough.
- 5.4.15 It is important when considering the impact of a proposal on nature conservation that regard is paid to the impact of the proposals on the surrounding area including its relationship with the Green Infrastructure Network. In accordance with the principles in Core Policies CP1 and CP25, development proposals affecting nature conservation interests will be assessed in the light of the following policy.

- Policy NE3**
- 1. Development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement.**
  - 2. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.**

- 3. Where development is permitted the Council will impose conditions, where necessary and appropriate, and/or planning obligations will be sought, subject to all of the following criteria;**
- (c) minimising disturbance;**
  - (d) protecting and enhancing the site's ecological conservation value and extent;**
  - (e) contributing towards the objectives of the Kent Biodiversity Action Plan;**
  - (f) ensuring appropriate management and monitoring; and**
  - (g) if damage to or loss of the site is unavoidable, creating new or replacement habitats of enhanced ecological value and extent in order to reinforce the Green Infrastructure Network as illustrated on the Diagram.**

### ***Trees, Hedgerows and Woodland***

- 5.4.16 Trees, woodland and hedgerows have many benefits including contributing to landscape character, providing wildlife habitats and supporting biodiversity whilst helping to maintain the balance of carbon dioxide in the atmosphere and air quality. Woodland also has the potential to be of significant archaeological interest as it may contain features or remains related to the historic management of the woodland. A commitment, to maintaining and enhancing tree cover, where compatible with the landscape is identified in South East Plan Policy NRM7.
- 5.4.17 Within Tonbridge and Malling, there are 2558ha<sup>11</sup> of ancient woodland. Nationally, ancient woodland is identified as a valuable and, by definition irreplaceable, biodiversity resource. Development that would result in loss or deterioration will therefore not normally be permitted. The nature conservation value of woodland generally increases with age provided it is appropriately managed and consequently the diversity of species occurring in Ancient Woodland cannot be recreated by replacement planting.
- 5.4.18 PPS9 requires all areas of ancient woodland that do not have statutory protection (e.g. SSSI) to be identified. To achieve this, Tonbridge and Malling Council has commissioned a comprehensive ancient woodland survey to update the 1994 Kent Inventory. This survey is due for completion in the spring of 2010. The study will identify all sites within the Borough where ancient woodland may exist, including those under 2ha. The 1994 survey only considered sites over 2ha in size, and so the

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<sup>11</sup> Forestry Commission's 2003 digital update of the 1994 Kent Ancient Woodland Survey for Tonbridge and Malling.

total amount of ancient woodland within the Borough is likely to increase. Where a site is identified as being ancient woodland, an assessment of the site will need to be carried out to support any planning application affecting the site.

- 5.4.19 New developments can provide opportunities for planting trees, woodland and hedgerows. Such planting can improve the character of the built and natural environment whilst enhancing biodiversity. Additional tree planting and management of existing woodlands will be pursued through the use of conditions when granting planning permission in line with the Kent Biodiversity Action Plan targets and the areas of biodiversity opportunity identified for woodland in the South East Plan and on the Green Infrastructure Network Diagram.

**Policy NE4**

- 1. The extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.**
- 2. Development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:**
  - (a) development cannot reasonably be located on an alternative site;**
  - (b) the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and**
  - (c) harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.**
- 3. Ancient woodland will be protected, and where possible, enhanced through improved management. Development that would adversely affect ancient woodland will not be permitted unless the need for, and benefits of, the development in that location can be demonstrated to override the harm that would be caused to the ecological and historical importance of the ancient woodland.**



## **6. Spatial Quality**

### **6.1 Introduction**

- 6.1.1 This Chapter aims to achieve, in particular, MDE DPD Objectives 2, 4, 5 and 8, as set out in Chapter 3.
- 6.1.2 PPS1 sets the agenda for sustainable development which includes, amongst other things, protecting and enhancing character, and ensuring high quality development and safe, sustainable and inclusive communities. Additional guidance on how to deliver these aims is contained in PPS7, PPG15, PPG16, PPS23 and PPG24.
- 6.1.3 Regionally, the policies in the South East Plan that are most pertinent are CC6 on Sustainable Communities and Character of the Environment, C4 on Landscape and Countryside Management; BE1 on Management for an Urban Renaissance and BE4 dealing with the Role of Small Rural Towns ('Market' towns). In addressing the issues of air and water quality and reducing noise pollution, South East Plan policies NRM1 Sustainable Water Resources and Groundwater, NRM2 Water Quality, NRM9 Air Quality and NRM10 Noise apply. Policy BE6 specifically relates to Management of the Historic Environment and policies S1 Supporting Healthy Communities, and S2 Promoting Sustainable Health Services are also relevant to this chapter.
- 6.1.4 Locally, this chapter has been developed pursuant to Core Policies CP1 'Sustainable Development' and CP24 'Achieving a High Quality Environment' and has regard to the guidance and good practice in the 'Kent Design' SPD.
- 6.1.5 Maintaining and enhancing the quality of the environment is a key theme in the Sustainable Community Strategy. This chapter sets out how the Council will address the issues of protecting and enhancing landscape and townscape quality, the historic environment, air quality, water supply and quality, light, noise, health and well-being, road safety and crime and disorder – the Borough's spatial quality. Improving the spatial quality of the Borough may also enhance habitats and biodiversity and this is addressed in Chapter 5: Natural Environment.

### **6.2 Landscape and townscape protection and enhancement**

- 6.2.1 In addition to the Areas of Outstanding Natural Beauty in the Borough, there are other broad areas of landscape which are of strategic importance either because they provide a setting to settlements and/or because they have landscape value in their own right as part of the wider historic landscape of the Borough. As well as these broad areas of landscape, there are many local areas in the Borough that play an important role in providing a setting to settlements and contribute to the character of the landscape and townscape. This may be by virtue of a particularly attractive landscape foreground to a settlement, or a

particular architectural style or settlement pattern, or an open area which simply facilitates an attractive view of the settlement. Core Policy CP6 identifies the need to maintain the separate identity of settlements and protect the areas of countryside that separate villages in order to preserve their character. Core Policy CP24.3 adopts a similar approach to the built environment and seeks to ensure that the character of settlements is not adversely affected by development.

6.2.2 Natural England has identified a series of **Joint Character Areas**<sup>1</sup> across England. These are broad areas of countryside with a unique combination of characteristics. Four of these character areas have been identified in Tonbridge and Malling. These are the:

- North Downs;
- Wealden Greensand;
- Low Weald; and
- High Weald.

6.2.3 In addition to these national character areas, Kent County Council undertook a **Historic Landscape Characterisation Study** in 2001 and a **Landscape Character Assessment** in 2004. Of the character areas identified in Kent, 30 lie in or adjacent to Tonbridge and Malling demonstrating the diversity of the landscape in the Borough. The Kent Downs AONB Unit has also identified Character Areas in the **AONB Management Plan**. It is the intention of the Council to bring these existing studies together and carry out detailed appraisals of all of the urban areas and other key settlements to produce a SPD dealing with local character across the whole Borough which will reinforce local distinctiveness and form a critical assessment on which to base planning and other decisions (see Section 2.3). The approach follows the policy guidance in PPS3 which recognises the importance of defining local character in shaping development that would contribute to, or resist development that would detract from, the quality and distinctiveness of an area.

6.2.4 Both the High Weald and the Kent Downs AONB units have produced Management Plans. These documents are used to inform and guide development affecting their areas and seek to conserve and enhance the character of their areas. In addition to this, Village Design Statements can also make a valuable contribution to identifying, maintaining and enhancing the unique character of local areas.

6.2.5 PPS1 states that the character of the countryside and urban areas should be conserved and enhanced, with PPS7 encouraging the use of criteria-based local policies to protect local landscapes, by utilising tools such as landscape character assessments to identify local distinctiveness. For the countryside this approach is supported by Policies CC6 and C4 of the South East Plan, whilst Policies BE1(v) and

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<sup>1</sup> The Character of England Map (1996) - Countryside Commission, English Nature and English Heritage



BE4(iv) provide support for a similar approach in the built environment with Policy BE6 relating to the historic environment.

- 6.2.6 Some change may take place outside of the planning system. Land management practice plays a particularly important role in managing the countryside to ensure the landscape of the Borough is safeguarded. Equally, some works within urban areas outside of the planning system can affect local character and the Borough Council will use the Character Area Appraisals SPD to influence the programmes and details of schemes of other organisations undertaking statutory or other operations locally.
- 6.2.7 The diverse character of the towns, villages and countryside in Tonbridge and Malling should be protected and enhanced for its own sake as it is important for the social, economic and environmental well-being of the Borough. It is important that the unique characteristics of the area are identified and protected and where practicable enhanced in line with Core Policy CP24 having regard to the Character Area Appraisals SPD in order to strengthen this diversity rather than eroding its character and local distinctiveness.
- 6.2.8 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). Within the Kent Downs AONB, regard should also be paid to the character assessment of the Kent Downs AONB.

- Policy SQ1**
- 1. 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.**
  - 2. All new development should protect, conserve and, where possible, 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.**

## **6.3 Historic Environment**

- 6.3.1 Tonbridge and Malling has a rich and varied historic environment with features dating from the Mesolithic era to the Industrial Revolution and beyond. These features not only contribute greatly to the cultural heritage, economy and character of the Borough, but can also act as destinations for tourists and residents to enjoy. The Kent Historic Landscape Characterisation Survey (2001), the Kent Historic Town Study and the Kent Historic Environment Record all provide detailed information on the historic character of the Borough as well as a record of its historic assets.
- 6.3.2 Considerable guidance exists in PPG15, PPG16 and Circular 01/2007 regarding Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and archaeological remains. They include detailed criteria against which development proposals will be assessed. **Areas of Archaeological Potential** have also been identified by the County Council.
- 6.3.3 PPG15, Policy BE6 of the South East Plan, and Core Policy CP1.3 seek to conserve and enhance the historic environment, and recognise the role history has played in defining the character of local areas. Historic buildings are best conserved when they are actively used. New uses and new development may at times need to be accommodated in order to keep these areas vibrant and help support their long term conservation. The effect of development on the character of the area is the key consideration and regard should be had to Policy SQ1 and the Character Area Appraisals SPD. Compatibility with the character of an area does not preclude contemporary architecture provided these solutions are well designed and do not compromise the overall quality and appearance of the locality.
- 6.3.4 The use of redundant and under-used historic buildings for appropriate uses is supported by Policy BE6 of the South East Plan. In rural areas regard should also be had to Policy DC1 of this Plan. However, it should also be noted that Historic Buildings have a much higher potential to harbour protected species. Proposals should therefore also have regard to Policy NE3 in Chapter 5.

### **Conservation Areas**

- 6.3.5 Conservation Areas are formally designated by the Borough Council, independently of the Local Development Framework process under the Planning (Listed Buildings and Conservation Areas) Act 1990, Part II. It is the Council's intention that each of the 59 Conservation Areas should have a Conservation Area Appraisal and Management Plan to set out the parameters for the preservation and enhancement of these areas. The Conservation Areas are shown on the Proposals Map for information and listed, by Parish, in **Annex C**.

- 6.3.6 Proposals for demolition, or new development or alterations to or an extension to an existing building within a Conservation Area will be considered against the advice in PPG15.

### **Listed Buildings**

- 6.3.7 There are over 1,300 listed buildings in Tonbridge and Malling. Listed Buildings are formally identified by the Department for Culture, Media and Sport on the advice of English Heritage, independently of the Local Development Framework process, under powers in the Planning (Listed Buildings and Conservation Areas) Act 1990. Once a building is listed, consent is required for its demolition, or for alterations that affect the historic and architectural character.

### **Locally Listed Buildings**

- 6.3.8 There are other historic buildings that play an important role in Tonbridge and Malling's landscape and heritage and are of significant local value. They are of local significance and reflect the architectural and historic character of the Borough.
- 6.3.9 PPG15 affords local planning authorities the ability to formulate planning policies to protect Locally Listed Buildings. 'Local Lists' of buildings of architectural and historic importance do not enjoy the full protection of statutory listing but they will form another valuable material consideration in assessing the merits of planning and allied applications. Locally Listed Buildings will be chosen on the basis of the same criteria as statutory listed buildings but with a focus on their local rather than national importance. Age and rarity will be considerations along with;
- architectural interest;
  - historic interest;
  - historical association with a well-known person or event in the Borough or nationally;
  - group value;
  - environmental significance (eg whether it forms part of planned layout : ie – a square, a crescent or terrace).
- 6.3.10 A compendium of Locally Listed Buildings will be compiled by the Borough Council in consultation with local groups and organisations to ensure a local dimension is given to the conservation of the Borough's historic heritage.

**Policy SQ2 Buildings included within the Local List of Buildings of Architectural or Historic Interest adopted by the Council will be retained wherever possible and protected from development that would harm their setting or local historic or architectural interest.**

### **Historic Parks & Gardens**

- 6.3.11 PPG15 states that registered parks and gardens should be protected through development plans and the determination of planning applications and that the effect of proposed development on a registered park or garden or its setting is a material planning consideration.
- 6.3.12 The **Kent Historic Landscape Characterisation** (2001) identifies the broad historic character of the landscape of Kent. The Character Area Appraisals SPD will take this work forward and identify the unique historic character and influences on the landscape and how this has influenced the development of the Borough's Historic Parks and Gardens. Historic Parks and Gardens can also possess biodiversity value and contribute to the Borough's Green Infrastructure Network (see Policies NE2 and OS5).
- 6.3.13 There is an identifiable band of 23 Historic Parks and Gardens (5 of which are recognised as being of national interest) crossing the Borough from east to west from Mereworth Castle to Fairhill at Hildenborough which individually and collectively make a major contribution to the character of the landscape in the locality. The particular Historic Parks and Gardens in the Borough are mainly characterised by formal garden design and features and/or by more informal managed parklands around a substantial house. The Character Area Appraisals SPD will provide greater detail on how such areas should be managed, conserved and enhanced. Development affecting the Historic Parks and Gardens will be subject to the following policy.

**Policy SQ3**      **Development will not be permitted where it would harm the overall character, integrity or setting of the Historic Parks and Gardens identified on the Proposals Map and listed in Annex SQ3, or which might prejudice their future restoration.**

### **Scheduled Ancient Monuments and Archaeological Sites**

- 6.3.14 PPG16 states that Scheduled Ancient Monuments and archaeological remains should be seen as a finite and non-renewable resource which should not be needlessly or thoughtlessly destroyed. Not all important sites are scheduled and it is recognised that the nature of archaeological evidence is such that there may be important sites waiting to be discovered. Where there is evidence that this is likely to be the case these areas are identified by the County Council as **Areas of Archaeological Potential** which are a material consideration for development control.

- 6.3.15 There are 24 Scheduled Ancient Monuments in the Borough and these are also identified on the Proposals Map for information. Where nationally important archaeological remains, whether scheduled or not, and their settings are affected by a proposed development there should be a presumption in favour of the physical preservation in-situ of those remains.

## **6.4 Quality of Life**

### ***Air Quality***

- 6.4.1 Local air quality management is driven by the need to protect health, as well as the built and natural environment. Where levels of air pollution exceed national standards and objectives, the Borough Council has designated **Air Quality Management Areas (AQMA)**, and put in place **Air Quality Action Plans** in accordance with the Environment Act 1995. The main purpose of these assessments and reviews is to identify locations where air quality does not meet national standards so that action can be taken to minimise the emissions of key pollutants and to reduce concentrations to levels at which no or minimal effects, on human health are likely to occur. At present, there are six AQMAs<sup>2</sup> in the Borough, predominantly linked to road traffic in town centres and along the M20/A20 corridor.
- 6.4.2 PPS23 and its Annex state that policies should seek to reduce the impacts from development on air quality. Policy NRM9 of the South East Plan seeks to sustain the current downward trend in air pollution across the region, while Core Policy CP1 requires all proposals for development to preserve and wherever possible enhance air quality.
- 6.4.3 The Borough Council will therefore seek to ensure that new development does not result in an unacceptable level of air pollution to the detriment of public health, the environment and other land uses. Development proposals will be expected to take proper account of air quality and within AQMAs an air quality assessment will be required. In some circumstances, proposals for development outside AQMAs may also require an air quality assessment.
- 6.4.4 An Air Quality Assessment will be required for proposals that have the potential to cause significant levels of air pollution or odour or which may affect a designated Air Quality Management Area or lead to the need to declare an Air Quality Management Area.
- 6.4.5 The following policy amplifies Core Policy CP1.3 by setting out specifically how the Council will address air quality issues in new development.

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<sup>2</sup> Tonbridge and Malling Air Quality Progress Report, April 2008 identifies the six AQMAs as 1) the M20 between New Hythe Lane, Larkfield and Hall Road Aylesford, 2) Tonbridge High Street (Southern end), 3) A26 Tonbridge Road/Red Hill junction Watlingbury; 4) London Road/Station Road junction Ditton; 5). A20 London Road at Larkfield and Ditton; and 6). A20 London Road at Aylesford.

- Policy SQ4**    **Development will only be permitted where all of the following criteria are met:**
- (a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;**
  - (b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area;**
  - (c) proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use; and**
  - (d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.**

### ***Water Supply and Quality***

- 6.4.6    PPS1 states that development plans should have regard to the protection of groundwater from contamination and promote the prudent use of natural resources. PPS23 and its Annex aim to ensure that water quality meets the standards that guard against negative impacts to the environment and human health. Whilst it is largely the role of DEFRA and the Environment Agency to oversee water policy, development plans have an important role to play in the mitigation of harmful impacts on water supply and quality (including wastewater infrastructure) as a result of development proposals.
- 6.4.7    Policies NRM1 and NRM2 of the South East Plan set out criteria against which development proposals will be assessed in order to ensure sustainable water resources and the maintenance and enhancement of water quality. Regard should also be paid to Core Policy CP1.3 on preserving and enhancing water quality, CP1.7 and CP25 on ensuring the timely provision of infrastructure to serve developments and, in this Plan, Policies CC1 on Energy Efficiency, CC5 on Sustainable Drainage Systems (SUDS), and CC6 on Winter Water Storage to reduce water consumption.
- 6.4.8    The Council will seek to ensure that there is adequate water supply, surface water, foul drainage and sewage treatment capacity to serve new developments and will consult the Environment Agency and water companies to ensure that all new development can be adequately served. Developers will be required to demonstrate that there is

adequate capacity both on and off-site to serve the development or that if deficient, that it can be provided via appropriate alternative legislation.

- 6.4.9 In some circumstances this may make it necessary for developers to carry out studies to ascertain whether the proposed development will lead to overloading of existing infrastructure. Where there is a capacity problem and no improvements are programmed by the statutory undertaker, the Council will need to be assured that the developer will fund appropriate improvements which must be completed prior to occupation of the development. The following policy seeks to ensure that the environment and the amenities of local residents are not adversely affected.

- Policy SQ5**
- 1. All development will be expected to ensure that adequate water and sewerage infrastructure is present or can be provided in order to meet future needs without compromising the quality and supply of services for existing users.**
  - 2. Planning permission will only be granted for developments which increase the demand for off-site water and sewerage infrastructure where:**
    - (a) sufficient capacity already exists, or**
    - (b) extra capacity can be provided in time to serve the development.**
  - 3. When there is a water or sewerage capacity problem and there are no programmed off-site infrastructure improvements, planning permission will only be granted if the developer funds, under the relevant water supply legislation, appropriate infrastructure improvements which should be completed prior to occupation.**

### ***Lighting***

- 6.4.10 PPS23 sets out national policy on sustainable development and pollution control, which includes light pollution. Artificial lighting is often an essential or key component of design, safety and security. In some cases it can also add to the amenity of the built and natural environment. However, if not properly controlled, insensitive artificial lighting can have a harmful impact on residential amenity, the appearance of the countryside, biodiversity and the sky at night. Poorly designed lighting can also waste energy and fail to provide light in the places it is needed. On the other hand, used well, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area.

- 6.4.11 Not all forms of lighting require planning permission or the submission of a planning application. Therefore, the Borough Council as local planning authority can only take action with regard to artificial lighting in certain circumstances. However, where artificial lighting is controllable, this will only be acceptable if its impact can be adequately mitigated. In order to balance the requirements of design and safety and security whilst protecting amenity and the environment, the Borough Council will require that development proposals include adequate information about artificial lighting.
- 6.4.12 Kent Design provides detailed guidance on how lighting can be used to reduce the fear of crime and minimise light pollution as well as detailed technical specifications. The Borough Council will have regard to this, in accordance with Core Policy CP25.2, in the consideration of development proposals. In cases where development is likely to have a significant effect on the environment through the creation of light pollution, developers will be expected to undertake an assessment of the likely impact on the environment and other properties and provide suitable mitigation.

### **Noise**

- 6.4.13 Excessive or inappropriate noise can have a significant impact on the quality of life if it is not appropriately controlled. PPG24 provides details on how development plans should address noise pollution issues and provides guidance on noise exposure categories (NECs). It also recognises that it may be appropriate for local planning authorities to determine the range of noise levels which they wish to attribute to any or each of the NECs in order to reflect local circumstances. Bearing in mind the diverse nature of the Borough which includes many tranquil areas, but also major and busy transport corridors and concentrations of significant commercial development, the Council believes there is a justifiable case for a specific local policy on noise levels and mitigation.
- 6.4.14 In line with PPG24 and Policy NRM10 of the South East Plan, the Borough Council aims to address and reduce noise pollution. Core Policy CP25.2 seeks to protect development from noise pollution. The following policy and its Policy Annex establish local noise standards to reflect the need for tighter local controls. Regard should also be had to Kent Design which sets out design principles to mitigate noise pollution through the layout and mix of uses within a development, and the use of landscaping and materials.

**Policy SQ6**      **1. In considering the impact of noise from transport-related sources on proposals for new residential development, the Noise Exposure Categories (NECs) identified in Policy Annex SQ6 will be applied as follows:**

- (a) where noise levels are within NEC A, noise will not usually be a determining issue;**



- (b) where noise levels fall within NEC B, the applicant will be required to demonstrate that adequate mitigation measures are included in the proposal to reduce noise to a satisfactory level;**
- (c) where noise levels fall within NEC C, planning permission will not normally be granted;**
- (d) where noise levels are within NEC D, planning permission will be refused.**

**2. Proposals for noise-sensitive development (including offices, hospitals, schools, outside amenity space within and adjacent to residential areas and, with respect to noise from non-transport related sources, housing), will be required to demonstrate that noise levels are appropriate for the proposed use. Proposals for built development should incorporate design measures (e.g. positioning of buildings within the proposed site, positioning of noise sensitive rooms on quiet facades, consideration of appropriate ventilation and the appropriate use of barriers) such that internal noise levels are demonstrated to meet criteria levels in relevant guidance, including BS 8233:1999 and Building Bulletin 93.**

### ***Health and Well-being***

- 6.4.15 Health is more than the absence of illness; it is a state of physical, mental and social well-being. A person's health is not only linked to age and gender, but to wider factors such as education, employment, housing, social networks, air and water quality, access to affordable, nutritious food, and access to social and public services in addition to healthcare.
- 6.4.16 The planning system plays an important role in delivering, maintaining and enhancing health and wellbeing. It can deliver the physical infrastructure as well as providing opportunities for healthier lifestyles through improved access to open spaces. These aims are reflected in PPG17 and its Companion Guide, PPS9, PPG13 and PPS23, and in Policies S1 and S2 of the South East Plan. Core Policies CP25.1 and CP26.1 seek to ensure the necessary infrastructure to serve the development is available.
- 6.4.17 In June 2008, the Kent Public Health Observatory published a Local Authority Inequalities Profile for Tonbridge & Malling<sup>3</sup>. The report

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<sup>3</sup> NHS Kent Public Health Observatory "Tonbridge & Malling Local Authority Inequalities Profile. Draft Version 2.2 (June 2008). Available at <http://www.kentphil.nhs.uk/welcome/information-by-geographical-area/local-authorities/tonbridge-and-malling-local-authority/>

provides a snapshot of the health issues in the Borough. Although the health of the people in Tonbridge and Malling is better than the England average overall, there are inequalities between wards within the Borough for life expectancy at birth, smoking prevalence, teenage conceptions and infant mortality, and also for early deaths (cancer, heart disease and stroke). There are over 2,800 children living in poverty in the Borough and smoking still accounts for over 150 deaths per year. Creating opportunities for people to lead healthy lives would be aimed at reducing these statistics in the future. The following policy seeks to ensure the health of people working and living in a new development is fully considered as an integral part of the design process. In order to address these issues, applicants should also have regard to Policy OS5, and in the countryside, to Policies DC5 and DC7.

- 6.4.18 Where relevant to the scale of the development or deemed necessary by the local planning authority, development proposals should be accompanied by a **Health Impact Assessment (HIA)** setting out how the health impacts of the development have been addressed. HIA should highlight not only the potential positive health implications of a development but also how to reduce or control any negative impacts that may arise as a result of the proposal.

**Policy SQ7**     **Before proposals for development are permitted, they will need to demonstrate that the following issues have been addressed:**

- (a) **the design and layout of the proposal maximise opportunities for healthy living and healthy active lifestyles choices by the residents, workforce or visitors.**
- (b) **access to open spaces;**
- (c) **For development proposals of 10 or more dwellings developers must demonstrate that the healthcare needs (primary and acute) likely to be generated by the development have been considered in consultation with the relevant Health Care Trusts and Kent Adult Social Services as appropriate and that, provided it can be demonstrated that there is a deficiency in provision that cannot be addressed through normal NHS funding procedures, a developer contribution is secured, before the development is occupied, to ensure the most appropriate (on or off-site) provision is available, or will be made available, to serve the development.**

### **Road Safety, Transport and Parking**

- 6.4.19 Transport infrastructure related to new development should provide for all travel modes and encourage the use of sustainable modes of transport as set out in Core Strategy Policy CP2. The health benefits of using green space for travelling are well documented. Policy CP2 sets out criteria against which transport proposals in the Borough are to be assessed. The **Local Transport Plan for Kent 2006-2011** provides a co-ordinated approach to transport planning across the county.
- 6.4.20 Although developments that result in a significant increase in traffic movements need to be well related to the major route network, it is important, in the interests of safety and efficiency, to avoid a proliferation of accesses onto primary and secondary roads. Highway improvements can have a significant impact on the character of an area. Any necessary improvements should therefore be designed to minimise their impact on the character of the area affected by the improvements. In the case of Rural Lanes, regard should also be paid to Policy DC6.
- 6.4.21 In Tonbridge and Malling Borough, the number of injuries and deaths on our roads has increased year on year since 2001. The Borough has a significantly higher than average figure in which all car occupants are killed or injured; 56% in 2003, compared to the national figure of 45%<sup>4</sup>. This underlines the importance of appropriate road safety measures being introduced in consultation with the Highway Authority. A number of specific areas have been identified as accident black spots. Proposals for development that would contribute to increased traffic generation at these locations will be required to contribute to road safety measures.
- 6.4.22 The LDF strategy is generally to reduce the need for people to travel, especially by car. This should, in turn, reduce the need for on-site parking. The availability or otherwise of parking spaces at either end of the journey has a significant influence on choice of transport, Managing the supply of parking can encourage people to choose alternative means of transport where this is available. However, reducing the amount of parking available without providing people with an alternative can result in inappropriate parking in nearby roads. In some places, the amount and type of parking can have a harmful impact on local businesses, particularly in central locations where car-free developments may be more appropriate. Parking Standards will be set out in a Supplementary Planning Document. In the meantime, the Council will continue to apply the standards set out in SPG4 to the Kent and Medway Structure Plan.

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<sup>4</sup> ONS Neighbourhood Statistics Jan-Dec 2003  
<http://neighbourhood.statistics.gov.uk/dissemination/LeadTableView.do?a=3&b=277013&c=Tonbridge+and+Malling&d=13&e=2&q=460638&i=1001x1003x1004&m=0&r=1&s=1219830142362&enc=1&dsFamilyId=971>

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- Policy SQ8**
- 1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.**
  - 2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.**
  - 3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.**
  - 4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.**
  - 5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.**

### ***Crime and Disorder***

- 6.4.23 Local Authorities have a duty under Section 17 of the 1998 Crime and Disorder Act to consider the crime and disorder implications of all their activities, including their policies, strategies, plans and individual decisions.
- 6.4.24 PPS1 highlights the benefit of good design in reducing crime and disorder and states that development plans should promote communities which are safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community. These aims are reflected in Core Policies CP1.7 and CP24.2.
- 6.4.25 Tonbridge and Malling's Community Safety Partnership<sup>5</sup> Strategy aims to reduce crime and the fear of crime and to promote and improve

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<sup>5</sup> Tonbridge & Malling Community Safety Partnership includes the Borough Council, the Police and the West Kent Primary Health Care Trust.

public safety in the Borough. Well designed layouts can create places where people want to be, create natural surveillance and civic pride, and impact positively on reducing crime and disorder. Applicants should have regard to the detailed guidance on safety and security in Kent Design, and in Secured By Design. Where appropriate, proposals should include input from the Kent Police Architectural Liaison Team and/or Crime Reduction Officers and the Community Safety Partnership.

- 6.4.26 Development proposals will need to demonstrate how they propose to address crime reduction measures through good design practice, such as ensuring adequate lighting and layouts that create natural surveillance and should include measures for the provision of CCTV where this would be appropriate either on site, or in the surrounding areas.

**Policy SQ9**      **1. Development proposals for 10 or more dwellings or for commercial developments of more than 1,000 sq m will only be permitted if they can demonstrate how the design and layout will deter crime, and reduce the fear of crime and anti-social behaviour and that, where appropriate, measures such as the provision of on or off-site CCTV have been considered.**

**2. In areas where there is a concentration of night time economy uses such as bars, restaurants, cinemas, clubs, dance halls and hot food takeaways, development proposals will only be permitted where they can demonstrate that there will be no harm to the safety and security, or perceptions of safety and security, of people and property in that location, and that suitable measures will be in place to manage crime and anti-social behaviour.**

### ***Advertisement Control***

- 6.4.27 The Council aims to ensure that outdoor advertisements and signs do not harm the quality of the built and natural environment, both in terms of amenity and public safety. Advertisements on highway verges are a matter for the Highway Authority to remove. Many advertisements and signs are exempt from control or may have deemed consent under the Control of Advertisements Regulations. Where express consent is required, the Council will seek to ensure that amenity and public safety, including that of highway users, is not harmed to an unacceptable degree. In all areas, the Council will require the number and size of signs to be limited to a reasonable level and will ensure that the overall scale, design, colour, materials and, where relevant, the method and level of illumination are appropriate to the surroundings and are not

detrimental to highway safety. A careful choice can usually achieve the advertiser's objectives without causing undue harm to the appearance, amenity or safety of the area. SPD may be prepared at a later date to provide more detailed guidance.

## **7. Development in the Countryside**

### **7.1 Introduction**

- 7.1.1 This Chapter aims to achieve, in particular, MDE DPD Objective 4 but also Objectives 3, 5 and 9, as set out in Chapter 3.
- 7.1.2 The policies in this Chapter are predominantly framed nationally by PPS1 Delivering Sustainable Development, PPG2 Green Belt, PPS4 Planning for Sustainable Economic Growth, PPS7 Sustainable Development in Rural Areas and PPG17 Sport and Recreation and its Good Practice Guide. Regionally, the policies in the South East Plan that are most pertinent are Policy C4 Landscape and Countryside Management, Policy C6 Countryside Access and Rights of Way and Policy TSR2 Rural Tourism. Locally, this chapter has been developed pursuant to Core Policy CP1 'Sustainable Development', CP14 'Development in the Countryside' and CP24 'Achieving a High Quality Environment' and by the guidance and good practice in the 'Kent Design' SPD.
- 7.1.3 The Government aims to protect and enhance rural communities and the countryside, setting out its approach through guidance primarily contained in PPS4 and PPS7 but also in PPS1 and, in the Green Belt, PPG2. Activities such as the retention, reuse, replacement, expansion and new development of rural and related buildings, farm diversification, rural tourism, the maintenance of environmental quality and countryside character and dealing with equestrian activities and a broad range of other rural land uses, are explicitly dealt with in PPS4 and PPS7. The guidance in PPS4 and PPS7 identifies the need to include policies in Local Development Documents to sustain, enhance and revitalise rural communities and the countryside, while maintaining local character and a high quality environment.
- 7.1.4 The 'countryside' is defined in the Core Strategy as that part of the Borough lying outside the confines of the urban areas identified in Policy CP11 and the rural settlements identified under Policies CP12 and CP13. In line with the Rural White Paper, Rural Strategy 2004, PPS4 and PPS7 there will be a general presumption against new development in the open countryside. However, Core Policy CP14 clearly sets out the circumstances in which development in the countryside will be considered acceptable in principle in order to allow for beneficial and sustainable development to take place where appropriate, whilst generally protecting those areas that lie outside the confines of the urban areas and rural settlements. The following policies provide greater detail on those circumstances set out in Core Policy CP14. The promotion of a high standard of design as set out in Core Policy CP24 will contribute to the conservation and enhancement of built environments within the Borough. Where development is justified, the priority in the countryside should be that development should be concentrated on previously developed land and/or existing buildings.

- 7.1.5 Most of the Borough is rural in character and therefore the countryside is an important focus for planning intervention. Tonbridge and Malling is also recognised as a Rural 50<sup>1</sup> local authority by DEFRA. The overriding planning and development objective is to conserve and enhance the countryside, insofar as it is under threat from a range of pressures from activities such as residential development, recreational uses, climate change and changing consumer demands and innovations in production, processing and marketing. Conversely, supporting and facilitating development and land uses that help to maintain and manage the countryside and its communities, that support the delivery of diverse and sustainable farming enterprises and that support other countryside-based activities which contribute to rural economies and/or promote recreation in, and the enjoyment of, the countryside, require careful consideration. Improvements in communications technology have also meant that the countryside has become a more accessible and viable location for non-agricultural-based business.
- 7.1.6 Whilst much of the land use activity in the countryside is outside the scope of the planning system, planning has an important role in supporting and facilitating countryside development and land use that supports both traditional activities and new activities that require a countryside location. The use of land for the purposes of agriculture and forestry does not require planning permission and many agricultural/forestry buildings on larger sites are permitted development. Although some agricultural development will require Local Planning Authority agreement with regard to the proposed siting, design and external appearance of buildings, development that requires planning permission will be determined having regard to national, regional and local policies relating to development in the countryside.
- 7.1.7 An application for farm diversification or the re-use of agricultural buildings may include within the proposal site, buildings or other structures that are unsuitable for conversion or reuse and/or adversely affect the visual quality of the area. When considering such proposals, the Local Planning Authority would wish to have a clear picture about the future use of any such underused or redundant buildings or structures relating to the farm unit concerned with a view to the removal of any buildings or structures that adversely affect the visually quality of the area. The Town and Country Planning (General Permitted) Development Order 1995, requires the removal of buildings erected under agricultural permitted development rights on or after 1 April 1997 if they permanently cease to be used for agriculture within ten years of their completion and planning permission has not been given for their re-use within three years of the permanent cessation of use. If an appeal is in progress this requirement to remove the building is held in abeyance until the determination of the appeal.

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<sup>1</sup> Rural-50: districts with at least 50 percent but less than 80 percent of their population in rural settlements and larger market towns.

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- 7.1.8 Recently, the area has grown in importance for soft fruit farming on a relatively intensive scale which has given rise to a locally distinctive growth in the use of polytunnels. In cases where planning permission is required for polytunnels the Council will consider the economics of the farm in the context of an overall **Farm Plan** balanced against the landscape and other considerations such as land drainage and biodiversity.
- 7.1.9 Planning authorities can also commit to the environmental stewardship of the countryside through Farm Plans which help to determine suitable levels of management of the countryside. Farm Plans also consider the potential for creating environmental features and habitats, improving public access, managing archaeological sites and historic buildings and managing land for flood management and habitat resource protection.
- 7.1.10 Development in the countryside can result in increased traffic on rural roads, which could directly or indirectly impact on their landscape, amenity, nature conservation, historic or archaeological value. Proposals for development in the countryside should have regard to Core Policy CP2 on sustainable transport. The following policies will help to judge what scale and character of new development should be permitted.

## **7.2 Agriculture, Forestry and other occupational dwellings**

- 7.2.1 Within Tonbridge and Malling 34%<sup>2</sup> of the Borough is currently used for agricultural and horticultural uses, and this employs 1.58%<sup>3</sup> of the population, slightly higher than both the Kent and UK average. In addition, 18%<sup>4</sup> is covered by woodland. In order to support the management and operation of these resources, it is sometimes essential for one or more of the people engaged in such activities to live at, or very close to, their place of work. In such instances it is recognised that accommodation may be required in the countryside to meet the demands of farming and forestry workers.
- 7.2.2 Proposals for agricultural, forestry and other occupational dwellings will be assessed against guidance contained in Annex A of PPS7 and will only be permitted where they are necessary for operational purposes. Where the principle has been approved, conditions will be applied which restrict the occupation of any such dwelling to a person working solely, mainly or lastly in the locality in farming, forestry or other rural-based enterprise or to their resident dependents. In appropriate cases it may be necessary to secure a legal agreement to link the dwelling to the holding in perpetuity.

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<sup>2</sup> Kent Habitat Survey 2003

<sup>3</sup> Office of National Statistics – 2001 Census

<sup>4</sup> Kent Habitat Survey 2003

## 7.3 Rural Buildings

### *Re-use of rural buildings*

- 7.3.1 The re-use of appropriately located and suitably constructed buildings in the countryside is supported by Core Policy CP14 clauses (b) and (e) where this meets the sustainable development objectives set out in Core Policy CP1 and is supported by a full structural survey. In line with PPS4, re-use for economic development purposes will be supported as this can assist with diversification of the rural economy, but residential conversions may be more appropriate in some locations and for some types of building.
- 7.3.2 In order to be considered for re-use a building must be acceptable in terms of environmental, traffic, and other planning considerations as set out in Core Policy CP24 and in its final state, the scheme should respect the character of the area in which it is located as defined in the Character Area Appraisals SPD. Where proposals for the re-use of an agricultural building could lead to it being replaced elsewhere by a new agricultural building or buildings, and where this is likely to be harmful to the openness of the countryside or conflict seriously with policies for the protection of the built, natural or cultural environment, conditions will be imposed removing permitted development rights for such buildings. For sites within the Green Belt, proposals will be subject to guidance set out in PPG2. Any grant of planning permission is likely to include a condition preventing the exercise of permitted development rights for extension and/or curtilage buildings.

**Policy DC1**     **1. Proposals for the reuse of existing rural buildings that are of permanent and sound construction and capable of conversion without major or complete reconstruction (as demonstrated by a structural survey) for commercial, industrial, recreation or tourist development will be permitted subject to all of the following criteria:**

- (a) the building, and any alterations proposed as part of the conversion, are of a form, bulk and general design and of materials which are in keeping with the character of the area in which it is located as defined in the Character Area Appraisal SPD;**
- (b) the proposed use is acceptable in terms of residential and rural amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of extensions or ancillary buildings. If appropriate, conditions will be**

**imposed removing permitted development rights;**

- (c) the proposed use does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
- (d) any landscaping scheme for the site is appropriate to its rural location having regard to the Character Area Appraisals SPD;**
- (e) the proposed use does not result in a negative impact upon protected species; and**
- (f) in the case of buildings of architectural or historic interest, conversion would not:**
  - be detrimental to the architectural or historic character of the building, including any archaeological or technological interest it may have, its group value with any other historic buildings, or its setting; or**
  - result in the loss of important features relating to the original fabric, the external character of the building, associated archaeological remains or its internal spatial qualities.**

**2. In the case of proposals for the conversion of such buildings for residential use, permission will not be granted where there is any conflict with subparagraphs (a) to (f) of Part 1 of this Policy, or where:**

- (a) the proposal would result in an unacceptable residential environment arising from operations or uses nearby; or**
- (b) the scale and nature of the proposed residential curtilage around the building, particularly in respect of domestic paraphernalia, results in an adverse impact on the rural character or appearance of the countryside as defined in the Character Area Appraisals SPD.**

**3. Where rural buildings, including outbuildings within the curtilage, have been converted, subsequent proposals requiring planning**

**permission to extend such buildings or to erect ancillary buildings will not normally be granted.**

### ***Replacement rural buildings***

7.3.3 In the interests of sustainable development the Council will always seek the re-use of rural buildings where possible, in preference to their replacement. The Council will consider any proposals for the replacement of suitably located, existing buildings of permanent design and construction in the open countryside for economic development purposes. Replacement of buildings will be favoured where this would result in a more acceptable and sustainable form of development than would be achieved by the conversion of an existing building and bring about an environmental improvement in terms of the impact of the development on its surroundings. Core Policy CP14 does not support replacing an existing non-residential building in the countryside with a new dwelling. When considering replacement buildings in the Green Belt, PPG2 will apply. In the wider countryside, including the Green Belt, the following policy applies.

- Policy DC2**
- 1. A replacement building in the countryside will be permitted subject to meeting all of the following criteria:**
    - (a) it would not be materially larger than the existing building and it would be appropriate in scale and design to its setting and any neighbouring buildings and to the character of the area within which it is located as defined in the Character Area Appraisals SPD;**
    - (b) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
    - (c) full account is taken of any biodiversity interest in accordance with Policy NE3;**
    - (d) it is not in an isolated position in relation to infrastructure and services; and**
    - (e) the demolition of the existing building would not result in the loss of a building of architectural or historic interest or a building that contributes to local character.**
  - 2. The replacement of non-residential buildings in the countryside with residential development will be considered on the basis that it is new residential development and will therefore also be subject to**

**Core Policy CP14. Proposals in the Green Belt will be considered in light of PPG2.**

- 7.3.4 Where there is a reasonable likelihood of protected species being present and affected by the re-use or replacement of rural buildings, surveys should be carried out and any necessary measures should be put in place through conditions or planning obligations to safeguard such species. Regard will be had to Kent Design, Village Design Statements and the Kent Downs Landscape Design Handbook, where relevant, for further guidance.

**7.4 Farm diversification**

- 7.4.1 The agricultural economy in the Borough is changing. The effects of BSE, Foot and Mouth Disease and the arrival of Bluetongue, along with other factors, have put pressure on the livestock industry. For example, sheep herd numbers in the Kent Downs AONB have reduced by around 60,000 animals since 1990<sup>5</sup>. Although the area of arable land has remained relatively constant, there has been a substantial increase in the number of small farms (under 5ha) since 1999<sup>6</sup> reflecting the need of farmers to diversity into non agricultural practices in order to remain in farming. Farm incomes in Kent average £25,050<sup>7</sup> per annum which is below the averages for the South East and England.
- 7.4.2 Further pressure for change will arise from EU policy that has switched funding for agriculture from supporting production to grants for rural development and for protecting and enhancing the environment. The diversification of the rural economy is advocated through national policy in both PPS4 and PPS7 as an appropriate response to the changing levels of agricultural production and to support the viability of farm businesses subject to transport, landscape and other planning considerations.
- 7.4.3 The Council, in Core Policy CP14(e) encourages farm diversification schemes to be planned on a comprehensive basis to retain a viable agricultural unit by seeking additional incomes from other sources which still relate to the countryside. In order to protect the quality and distinctiveness of the local landscape as defined in the Character Area Appraisals SPD, the Council wishes to prevent uncoordinated development in rural areas and the gradual stripping of assets from farms without regard for the on-going viability of the holding. Any proposals for diversification, including their design and layout, should not create the requirement for further development which would be inappropriate in itself. This applies to farms on the fringes of settlements within the Borough as well as more isolated rural agricultural holdings. Any proposals must be accompanied by a comprehensive whole farm

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<sup>5</sup> Kent Downs Area of Outstanding Natural Beauty Management Plan: First Revision 2009-2014 First Revision – April 2009, p75, Table 7

<sup>6</sup> Kent Downs Area of Outstanding Natural Beauty Management Plan: First Revision 2009-2014 First Revision – April 2009, p73, Table 6.

<sup>7</sup> Kent Rural Delivery Framework 2007, p4

diversification plan, which establishes how the proposed changes will assist in retaining the viability of a farm and its agricultural enterprise.

- 7.4.4 Applicants must have regard to Policies DC1 and DC2 above. Suitable sustainable business proposals could include tourism, leisure and recreation, farm shops, conversion of buildings for employment and other uses related to an activity that would normally be found in the countryside. Applicants should consider all other relevant policies in this plan, particularly in relation to landscape character. The Kent Downs Rural Advisory Service provides guidance on farm diversification through their **Farm Diversification Toolkit**.<sup>8</sup>

**Policy DC3**      **Proposals which form part of farm diversification schemes, where they are directly related to supporting a working farm, will be permitted subject to all of the following criteria being met;**

- (a) appropriately located existing buildings are re-used where possible in accordance with Policy DC1;**
- (b) new and replacement development is in scale with the surroundings and well related to any existing buildings on the site in accordance with Core Policy CP14 and Policy DC2;**
- (c) the impacts of the diversification scheme would not harm the character of the countryside as defined in the Character Area Appraisal SPD by the nature and level of activity or by other effects such as noise or pollution;**
- (d) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
- (e) full account is taken of any biodiversity interest in accordance with Policy NE3.**

## **7.5 Equestrian activity**

- 7.5.1 The keeping of horses and horse riding is an increasingly popular recreational pursuit and is one form of farm diversification. PPS4 requires Local Authorities to support equine enterprises that maintain environmental quality and countryside character. Core Policy CP14(i)

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<sup>8</sup> [http://www.kentdowns.org.uk/Farm\\_Diversification\\_Toolkit.htm](http://www.kentdowns.org.uk/Farm_Diversification_Toolkit.htm)

supports development in the countryside where a rural location is necessary which could include equestrian activities.

- 7.5.2 Within Tonbridge and Malling, the Kent Downs and High Weald Areas of Outstanding Natural Beauty are identified as being important landscape areas, covering almost a third of the Borough. Of the bridleways in Kent, 40% are in the Kent Downs AONB, making this area one of the most significant areas for horse riding in the county. It is estimated that there are 100,000 riders in Kent, 50,000 ride regularly and the number of horses is thought to be between 30,000 and 40,000<sup>9</sup>. The equine industry is recognised as making an important contribution to Kent's rural economy (estimated £100m per annum in 2002<sup>10</sup>). While well-managed horse pasture can contribute positively to the landscape, poor management can detract from the character of an area.
- 7.5.3 The use of agricultural land for the keeping of horses for recreational purposes may constitute a material change of use requiring planning permission dependent upon the particular nature of the use of the land. The keeping of horses in connection with a commercial business use such as a stud farm, livery yard or riding school is likely to require planning permission. It is important to consider carefully proposals for such facilities in order to avoid an unacceptably adverse impact on the character and appearance of the countryside, biodiversity, residential amenity or the highway network. All proposals will be assessed on their impact on the landscape. In addition, the impact of the following factors will also be taken into account; fencing, lighting, permanent jumps, potential for overgrazing, poaching, weed encroachment (related to stock density and land management), potential damage to trees, hedges and other habitats, waste management and the use of bridleways and highways. It is also important that regard is had to the welfare of the animals in considering proposals for the keeping or stabling of horses.
- 7.5.4 Applicants should refer to the Character Area Appraisals SPD and for proposals within the Kent Downs, the **Kent Downs AONB Landscape Design Handbook** and the **Kent Downs AONB Equine Guidance** should also be considered when locating, siting and designing development. The following policy will apply to proposals for equestrian-related development within built-up areas as well as in the countryside:

**Policy DC4      Planning permission will be granted for equestrian related development subject to all of the following criteria being met:**

- (a) where new or replacement buildings are proposed, it must be demonstrated that the re-use of existing buildings on-site for any equestrian-related use is not practicable;**

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<sup>9</sup> Kent Downs Area of Outstanding Natural Beauty Management Plan: First Revision 2009-2014 Consultation Draft May 2008, p112

<sup>10</sup> Kent Rural Delivery Framework 2007, p8

- (b) proposals for the construction of new stable buildings and ancillary facilities are of an appropriate scale and design to the locality and do not adversely impact on animal welfare;**
- (c) the specific form, design, siting, layout and materials of any development are in keeping with, and do not individually or cumulatively detract from the character of the area in which it is located as defined in the Character Area Appraisals SPD;**
- (d) there is no adverse impact on amenity and environmental quality of residential or other sensitive uses due to smell, insect infestation, excessive noise, lighting or traffic generation;**
- (e) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
- (f) full account is taken of any biodiversity interest in accordance with Policy NE3;**
- (g) there is no hazard to road safety;**
- (h) suitable provision is made for the protection and, where practicable, the enhancement of the existing rights of way network which may be affected by the proposals, with full regard to the safety of users.**

**Proposals should be accompanied by a Land Management Plan setting out proposals for good pasture management (including stocking density), waste management for the storage and disposal of manure, bedding and other waste, all fencing details, access to bridleways and lighting proposals. In addition, where a proposal is located on a water gathering area, details of foul sewerage disposal (stable washings) must also be provided.**

## **7.6 Tourism & Leisure**

- 7.6.1 The importance of the countryside in providing for tourism and leisure facilities, including sport and recreation is recognised in PPS4, PPS7 and PPG 17, but only if those facilities are compatible with the character of the area and the nature conservation interests of the countryside,



with preference being given to the re-use of existing buildings. The DCLG Good Practice Guide on Planning for Tourism recognises the benefits tourism can bring to rural areas through farm diversification, provision of rural services and facilities, improvements to the built and historic environment and its role in helping to revitalise rural settlements. South East Plan Policy TSR2 states that opportunities for tourism and recreation-based rural diversification should be encouraged where they provide jobs for local residents and are of a scale and type appropriate to their location. Proposals within the Green Belt which do not fall within one of the categories of appropriate development as defined in PPG2 will only be permitted where it can be demonstrated by the applicant that very special circumstances exist.

- 7.6.2 Tonbridge and Malling Borough is home to a range of landscapes and historic town and villages that attract tourists and leisure visitors, from the Kent Downs and High Weald Areas of Outstanding Natural Beauty and the Medway Megaliths, to the numerous picturesque villages. There is a substantial public rights of way network of footpaths and bridleways which provide access to these areas, along with numerous cycle routes.
- 7.6.3 Tourism and leisure activities can help to support the local economy and businesses through direct spending and by encouraging diversification. However these benefits need to be carefully balanced with the potential impact of visitors on nature conservation, and areas of sensitive countryside and heritage. Any tourism or leisure development should aim to conserve and enhance the countryside, and should not harm the character of the area in which it is located. The Council's general policies relating to tourism and leisure are set out in its **Leisure & Arts Strategy**.
- 7.6.4 The Council is committed to promoting appropriate tourism and leisure opportunities within the Borough. Core Policy CP1.7 supports the provision of leisure facilities to serve new developments and Core Policy CP14(h) supports the provision of recreational facilities in the countryside. Where new tourism and leisure facilities are proposed, including tourist accommodation, these should be located close to, or in, service centres and villages and should be accessible by a range of transport modes. Where this is not possible, applicants should have regard to Policies DC1 and DC2 above.

**Policy DC5**      **Within the rural areas, proposals for new tourism and leisure facilities will be permitted subject to all of the following criteria being met:**

- (a) **proposals, either individually or cumulatively, do not detract from the character of the area in which they are located as defined in the Character Area Appraisals SPD;**

- (b) it is appropriately located and existing buildings are re-used where possible in accordance with Policy DC1;**
- (c) it will support the local economy;**
- (d) the amount of any associated new built development is directly related to the proposed use and the minimum required to serve that use;**
- (e) the proposal, either individually or cumulatively with other proposals in the vicinity, avoids the irreversible loss of the best and most versatile agricultural land and suitable measures are adopted to maintain the agricultural potential of the land or generally make the best use of damaged land;**
- (f) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
- (g) full account is taken of any biodiversity interest in accordance with Policy NE3;**
- (h) the proposal is adequately served by the highway network and avoids off-site highway improvements that would have an unacceptable impact on the character of rural lanes (see Policy DC6) and the countryside;**
- (i) there is no hazard to road safety;**
- (j) suitable provision is made for the protection and, where practicable, the enhancement of the existing rights of way network which may be affected by the proposals, with full regard to the safety of users; and**
- (k) there is no unacceptable adverse impact arising from lighting, traffic generation, activity at unsocial hours or noise.**

**Proposals in the Green Belt will be considered in light of PPG2.**

## **7.7 Public Rights of Way**

- 7.7.1 The historic network of Public Rights of Way, consisting of footpaths, bridleways, restricted byways, and byways is legally protected public highway. These routes form an integral part of the county's transport network, allowing residents and visitors to move around on foot, on bicycle, on horseback and, in some circumstances, by motorised vehicle. The network provides vital access to services, links between settlements, access from towns and villages into the countryside, and opportunities for quiet recreation, exercise and sport.
- 7.7.2 Under the Countryside and Rights of Way Act (2000), Highway Authorities are required to prepare a **Rights of Way Improvement Plan**. In Kent, this is a function of Kent County Council (KCC). Improved management, combined with better information provision and the creation of new routes in carefully chosen locations, will make a significant difference to local people. In areas where rights of way are fragmented, new short links between existing routes would provide a wider, more useful local network. In 2007, KCC launched the **Countryside Access Improvement Plan** which sets out a 10 year strategy for improving access to the countryside. The aims of this plan have been carried forward into Core Strategy Policies CP2 and CP24 and are also relevant to Policy OS5. In considering development proposals the Council will seek to retain the existing rights of way network and encourage new developments to create layouts that promote opportunities for enhanced access to the network.

## **7.8 Rural Lanes**

- 7.8.1 Tonbridge and Malling has a rich heritage of ancient lanes that date back to Medieval, Saxon and even prehistoric times. As well as having historic value, they contribute to nature conservation and to the distinctive character of the countryside as identified in the Character Area Appraisals SPD. These lanes also provide important routes for pedestrians, cyclists and horse riders to access the countryside. However, some of these lanes are coming under pressure from increased traffic generation, roadside clutter, inappropriate upgrading and traffic management measures and so need to be protected and enhanced.
- 7.8.2 Kent County Council and the District Councils in Kent have undertaken a detailed study of rural lanes<sup>11</sup> throughout Kent which identifies priority measures for the protection and enhancement of lanes. The Borough Council, in liaison with Kent County Council, will consider appropriate enhancement measures in the light of the findings of the **Rural Lanes Study**. The use of urbanising features such as raised concrete kerbs and inappropriate fencing and walls should be avoided, but where these are essential for structural or safety reasons, only natural materials should be used in keeping with local character. The design of entrances, gates and signage should be appropriate to the rural

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<sup>11</sup> Rural Lanes are defined as all lanes outside of the confines of settlements identified on the Proposals Map, excluding "A" and "B" class roads, but excluding trunk roads and special roads (ie motorways).

location. Within the Kent Downs Area of Outstanding Natural Beauty, applicants should refer to the **Kent Downs AONB Streetscape Handbook**. In order to ensure that the character of rural lanes is protected, the following policy will apply:

**Policy DC6**      **In the consideration of development proposals which are in the vicinity of, or are served by, rural lanes, permission will only be granted where:**

- (a) the development conserves and, where appropriate, enhances the value of the lane in terms of its landscape, amenity, biodiversity, historic or archaeological importance; and**
- (b) any proposed alterations to the lane are the minimum necessary to serve the proposal in terms of highway safety.**

**Where alterations to the lane are necessary, preference will be given to the use of natural materials in keeping with the character of the area as set out in the Character Area Appraisals SPD.**

## **7.9 Community facilities outside the settlement confines**

7.9.1 Policy CP26 of the Core Strategy sets out the Council's general policy on community services and transport infrastructure, including detailing those services that constitute 'community uses'. The Development Land Allocations DPD identifies specific proposals for such facilities based on detailed advice from service providers in association with new development. However, it is important that people who live and work in rural areas should have reasonable access to a range of services and facilities to support sustainable communities.

7.9.2 The reuse or conversion of existing rural buildings within or adjacent to existing service centres and villages for small-scale community uses is supported and will be considered against Core Policies CP12.2 and CP14 and Policy DC1 and against PPG2 where proposals are located within the Green Belt. Where existing buildings are to be replaced, reference should be made to Policy DC2. Not all community uses are appropriate in the Green Belt and therefore any proposals for new development should be considered against PPG2.

**Policy DC7**      **1. Proposals for local community facilities outside the built confines of settlements will be permitted where they involve the reuse of existing rural buildings appropriately located and well related to the community they serve in order to improve the social functioning of the settlement to**

which they relate and are otherwise acceptable in planning terms.

**2. Proposals for new buildings for such community facilities will only be permitted subject to meeting all of the following criteria:**

- (a) no alternative accommodation is available either within the confines of the urban areas or villages, or through the conversion of existing buildings under the terms of Policy DC1;**
- (b) the proposal is essential to serve the settlement to which it relates; and**
- (c) there is no adverse impact on the highway network;**
- (d) it would be appropriate in scale and design to its setting and to the character of the area within which it is located as defined in the Character Area Appraisals SPD;**
- (e) the proposal does not result in the fragmentation and/or severance of an agricultural land holding creating a non-viable agricultural unit;**
- (f) full account is taken of any biodiversity interest in accordance with Policy NE3;**

**Proposals within the Green Belt will be subject to PPG2.**



## **8. Open Space**

### **8.1 Introduction**

- 8.1.1 This Chapter aims to achieve, in particular, MDE DPD Objective 7 but also Objectives 2, 3, 4, 5, 6, 8 and 9, as set out in Chapter 3.
- 8.1.2 The policies are framed nationally by, most significantly, PPG17 on 'Planning for Open Space, Sport and Recreation' and its companion guide and also by PPS9 on 'Biodiversity and Geological Conservation'. PPS9 is supportive of the maintenance and strengthening of networks of natural habitats and identifies that this may be achieved as part of a wider strategy for the protection and extension of open spaces.
- 8.1.3 Regionally, the policies in the South East Plan that are most pertinent are Policy CC6 on 'Sustainable Communities and Character of the Environment', Policy BE1 on 'Management for an Urban Renaissance' and Policy C5 on 'Managing the Rural-Urban Fringe'. Locally, this chapter has been developed pursuant to Core Policies CP1 'Sustainable Development' and CP24 'Achieving a High Quality Environment' and by the guidance and good practice in the 'Kent Design' SPD.
- 8.1.4 The Council's **Open Space Strategy** (OSS) provides the evidence base for this DPD, feeding into the formulation of the policies in this chapter. The OSS was prepared in accordance with 'Assessing Needs and Opportunities' the companion guide to PPG17. The study involved undertaking an assessment of local need and auditing existing provision in terms of its diversity, quantity, quality and accessibility. In accordance with Government advice, this information was used to develop locally derived standards for the provision of open space.
- 8.1.5 For the purposes of this DPD, the definition of open spaces is the one included in the Annex to PPG17. This sets out the broad range of open spaces (parks and gardens, natural and semi-natural urban green spaces, green corridors including river banks, outdoor sports facilities, amenity green space, provision for children and teenagers, allotments, community gardens and urban farms, cemeteries and churchyards, and accessible countryside in urban fringe areas). The table (overleaf) provides a detailed breakdown of the various categories.
- 8.1.6 Open spaces make a positive contribution to the quality of life of people living in the Borough. Existing and future provision can provide opportunities for healthy living by the local community, which is a key priority of the Council (as identified in Spotlight, the Council's Corporate Performance Plan) and a theme in the Sustainable Community Strategy.

**Table 1 – Definition of Open Space**

<b>TYPE</b>	<b>DEFINITION/EXAMPLE</b>	<b>PRIMARY PURPOSE</b>
<b>PARKS &amp; GARDENS</b>	<ul style="list-style-type: none"> <li>Country Parks</li> <li>Parks</li> <li>Formal public gardens</li> </ul>	Accessible, high quality open space that offers opportunities for informal recreation and community events
<b>NATURAL &amp; SEMI-NATURAL GREENSPACES</b>	<ul style="list-style-type: none"> <li>Heathland and nature reserves</li> <li>Woodland</li> <li>Wetlands</li> <li>Water course and ponds</li> <li>Unimproved grassland</li> <li>Cliffs</li> <li>Dunes</li> </ul>	Wildlife, conservation, biodiversity and environmental education and awareness. Nature conservation will usually take priority over recreational uses in determining management regimes. Where the land is subject to a statutory designation such as SSSI, SAC or SPA, the Council has a duty to proactively manage it for nature conservation purposes.
<b>GREEN CORRIDORS</b>	<ul style="list-style-type: none"> <li>Linear open space</li> <li>River banks</li> <li>Off road cycle, equestrian and pedestrian routes</li> <li>Long distance footpaths, bridleways and restricted byways</li> </ul>	Walking, cycling, running, horse riding whether for leisure purposes or travel, and opportunities for wildlife migration.
<b>OUTDOOR SPORTS FACILITIES</b>	<ul style="list-style-type: none"> <li>Sports pitches &amp; Tennis courts</li> <li>Bowling Greens &amp; Athletics tracks</li> <li>School playing fields(where there are local agreements for community use or where the field is crossed by a public right of way)</li> </ul>	Participation in outdoor sports, such as pitch-based sports, tennis, bowls, athletics or countryside and water sports.
<b>AMENITY GREEN SPACE</b>	<ul style="list-style-type: none"> <li>Informal recreational open space</li> <li>Green space in residential development</li> <li>Village greens</li> <li>Other incidental landscaped areas</li> <li>Private greenspace that has visual or other value, even if no physical public access is possible</li> </ul>	Opportunities for informal activities close to home or work or enhancement of the appearance of residential or other areas.
<b>PLAY AREAS FOR CHILDREN AND YOUNG PEOPLE</b>	<ul style="list-style-type: none"> <li>Equipped play facilities</li> <li>Wheeled sports facilities (e.g. Skatepark)</li> <li>Ball courts</li> <li>Meeting places and shelters</li> </ul>	Areas designed primarily for play and social interaction involving children and young people such as equipped play areas, teenage shelters
<b>ALLOTMENTS</b>	<ul style="list-style-type: none"> <li>Allotments</li> <li>Community gardens</li> <li>City farms</li> </ul>	Opportunities for those people who wish to do so to grow their own produce as part of the long term promotion of sustainability, health and social inclusion.
<b>CEMETERIES, DISUSED CHURCHYARDS AND OTHER BURIAL GROUNDS</b>	<ul style="list-style-type: none"> <li>Public cemeteries</li> <li>Burial grounds</li> <li>Churchyards</li> <li>Crematoria</li> </ul>	Quiet contemplation and burial of the dead. Provision is linked to historical and cultural values. Sites may have value for the promotion of wildlife conservation and biodiversity.



- 8.1.7 Open spaces have a vital role to play in delivering other key priorities of the Council including:
- 'achieving a cleaner, smarter and better maintained street scene and open space environment' and
  - 'involve, safeguard and meet the needs of children and young people'.
- 8.1.8 The Open Space policies in this chapter are broken into two broad areas:
- maintaining an adequate supply of open space and sports and recreational facilities, and
  - planning for new open space and sports and recreational facilities.

## **8.2 Open Spaces – Maintaining an Adequate Supply**

### ***Maintaining an Adequate Supply: Protection of Open Spaces***

- 8.2.1 It is important, in the first instance, that existing high quality open spaces in the Borough which are valued by the local community are protected. As highlighted in the introduction to this chapter, open spaces can contribute positively to the quality of life of people. This is recognised in PPG17, as are the benefits to people's sense of well-being in the place where they live through the function of open spaces as a focal point for community activities and, therefore, social interaction.
- 8.2.2 The need to protect high quality and high value open spaces is identified in the companion guide to PPG17: 'Assessing Needs and Opportunities'. The basis for determining the status of open spaces in the Borough was the Council's OSS, which was prepared in accordance with the protocol set out in this guide. The OSS determined the quality of open spaces through on-site audits and established the value through consultation with a local Resident's Panel and through consultation with local Parish Councils.
- 8.2.3 The outputs from the assessment of local need and audits enabled the Council to identify specific needs, and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the Borough. Importantly, with regard to this policy, the outputs provided a rational basis for objectively determining which existing open spaces are of high quality and high value. The open spaces that fall into this category are set out in **Policy Annex OS1A** to this DPD. Overall, approximately 80% of the open spaces in the Borough fit into this category.

- 8.2.4 As well as maintaining existing open spaces, it is also important that provision that comes forward in the future through the implementation of existing planning permissions and residential allocations in the Council's Development Land Allocations DPD, and also through the development of windfall sites, is afforded similar protection.
- 8.2.5 One of the key outputs of the Council's OSS was the identification of existing open spaces in the Borough that are highly valued by the community but, according to the on-site audits, are of relatively poor quality. For these sites, the priority needs to be enhancement of the open space because they are generally well used by local people. Where on-site provision is not practicable due to the scale and nature of the facility and the size of the site, the Council will seek developer contributions in lieu of on-site provision to enhance open spaces that fall into this category (see Policy OS3). The existing open spaces of lower quality that need enhancement are set out in **Policy Annex OS1B** to this plan.
- 8.2.6 The development of standards in the Council's OSS makes it possible to determine if a local area in the Borough is deficient, or indeed in surplus, in open space in terms of quantity (i.e. area per 1,000 population), accessibility (number of open spaces within a certain travel time, eg 10 minute walking distance) and quality (achievement of a quality rating according to the audit criteria).
- 8.2.7 PPG17 (para.33) states that planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. The Council will require development proposals that will result in the loss of existing open space to make adequate provision elsewhere off-site to compensate for any shortfall in order to ensure that existing deficiencies are made no worse.
- 8.2.8 The annex to Policy OS3 (**Annex D**) includes an overview of the broad areas in the Borough that are deficient in open space provision, according to quantity and type of open space, as at the base date of the plan. More detailed analysis of deficiencies is set out in **Annex D** and in the Council's Open Space Strategy and its accompanying Technical Study.
- 8.2.9 In applying policy OS1, the Council will seek to protect and enhance the multi-functional role of open spaces. This will also involve protecting and enhancing their biodiversity, nature conservation, carbon sink (particularly in Air Quality Management Areas) and historic value, as well as their recreational and amenity roles.

**Policy OS1**     **1. Development which would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape, amenity and/or historic value of, existing open spaces listed in Policy Annexes OS1A & OS1B and identified on**

**the Proposals Map, and any other open spaces that are provided during the lifetime of the LDF, will not be permitted unless a replacement site is provided which is equivalent or better in terms of quantity, quality and accessibility.**

**2. The recreational, biodiversity, amenity and/or historic value of existing open spaces of lower quality as listed in Policy Annex OS1B and identified on the Proposals Map, will be enhanced primarily through developer contributions secured from developments in lieu of on-site open space provision (see Policy OS3).**

8.2.10 In implementing Policy OS1.2, regard will also need to be paid to qualitative deficiencies evident at the time of the proposal as evidenced by, for example, Disability Discrimination Act (DDA) Audits, Site User Surveys and Site Management Plans.

### ***Maintaining an Adequate Supply: Allotments***

8.2.11 Allotments provide a valuable community facility which should be protected. Working allotments can benefit people's physical health and well-being. The self-sufficient cost-effective lifestyle offered by allotments is a sustainable way of living that needs to be encouraged, particularly in the light of global increases in food and fuel prices.

- Policy OS2**
- 1. Unless there is demonstrably no demand, the redevelopment of allotment sites, as listed in Policy Annex OS2 and identified on the Proposals Map, will not be permitted without satisfactory arrangements being made for the provision of alternative facilities before the original allotments are lost. Any such alternative facilities will be required to be provided at easily accessible sites close to the community they will serve and at a level that matches the identified demand.**
  - 2. Provision of additional allotment facilities will be supported and encouraged at accessible sites where there is an identified unmet local demand.**
  - 3. Boundary treatments and other structures associated with new provision will be required to conserve local character as defined in the Character Area Appraisals SPD. On-site provision of facilities for composting and rainwater harvesting will be encouraged.**

## 8.3 Open Spaces – Planning for New Provision

### *Planning for New Provision: Local Standards*

- 8.3.1 The Government believes that open space standards are best set locally. This is stated in PPG17. The principal reason for this approach is that national standards can not cater for local circumstances. PPG17 advises that the best way of developing local standards is to use information gained from local assessments of needs and opportunities. This is what the Council has done. Through the fieldwork and research undertaken for the preparation of the OSS, quantitative, qualitative and accessibility standards have been developed. These robust standards, as detailed in the Open Space Strategy, have been developed in accordance with the advice in the companion guide to PPG17 and will form the basis for redressing quantitative and qualitative deficiencies.
- 8.3.2 PPG17 (paras. 23 and 33) provides scope for planning obligations to be used as a means of remedying local deficiencies in the quantity or quality of open spaces. With this in mind, the Council will require development proposals to make adequate provision to ensure that existing deficiencies are reasonably addressed, and at the very least, not exacerbated.
- 8.3.3 **Policy Annex OS3** sets out the quantitative and accessibility open space standards that will be applied and **Annex D** sets out the methodology for calculating the provision of open space. This methodology will be used by the Council to determine whether new provision is made on-site or whether contributions from developers for new off-site provision or for the enhancement of existing off-site provision need to be sought instead.
- 8.3.4 A **sequential approach** will be pursued by the Council to the provision of open space. Firstly, on-site provision will be sought in accordance with the adopted standards set out in Policy Annex OS3 where the site is located in an area of quantitative deficiency, i.e. there is a need for additional open space. Where this is not practicable, new off-site open space provision will be sought within the relevant accessibility threshold for the category of open space in accordance with the adopted standards. If it is not practicable to achieve this, or if there are no deficiencies in quantity of certain forms of open space provision, developer contributions will be sought to enhance the quality of existing provision within the relevant accessibility threshold, with priority given to those sites listed in Policy Annex OS1B, although regard should also be paid to any relevant projects listed in the Council's Capital Plan. If, after going through the previous steps, it is evident that deficiencies in quality can not be met within the relevant accessibility threshold, contributions will be sought to enhance the quality of open spaces that fall beyond the outer limit of the relevant accessibility threshold but still reasonably accessible to the proposed development. The contributions will be spent on enhancing their quality in terms of their recreational,

biodiversity, amenity and/or historic value. This sequential approach is explained further in **Annex D**.

**Policy OS3**

- 1. On all residential developments of 5 units or above (net), there will be a requirement for open space provision in accordance with the quantitative standards set out in Policy Annex OS3.**
- 2. The form and level of provision of open space will be determined in accordance with the sequential approach and methodology set out in Annex D.**
- 3. Where it is impractical or inappropriate to provide open space on-site, off-site provision (or a financial contribution towards it) will be sought commensurate with the quantitative and accessibility standards set out in Policy Annex OS3. Where this is not achievable, developer contributions for the enhancement of existing open spaces off-site within the relevant accessibility threshold<sup>1</sup> will be sought. Priority will be given to enhancing those sites identified in Policy Annex OS1B and any open space projects in the Council's Capital Plan that fall within, or close to, the relevant accessibility threshold of the development site.**
- 4. Any new on-site or off-site provision will be required to be located, where feasible, where it can provide a connection to the network of existing open spaces and wildlife corridors.**
- 5. Where physical provision of open space is made by the developer (either on-site or off-site), an agreement will be sought with the developer to lay out the land to the standards required and to make adequate provision for its subsequent maintenance. Maintenance of the site will be required to support the multifunctional role of the open space, including, where practicable, management regimes that facilitate natural habitat creation and species migration.**

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<sup>1</sup> See Policy Annex OS3 for accessibility standards.

**Planning for New Provision: Priority Areas for New Publicly Accessible Open Space**

- 8.3.5 The OSS identifies areas in the Borough, through the application of the locally developed standards, which are deficient in open space provision. This information is summarised in **Table 5** of **Annex D** and is set out in detail in the Technical Report to the OSS.
- 8.3.6 In areas of deficiency, the Council will support and encourage Parish Councils, developers and landowners who wish to make additional provision of publicly accessible open space. In so doing, advice will be provided by the Council about any opportunities that exist to access grant monies, eg. the Big Lottery Fund, to secure adequate provision.
- 8.3.7 Proposals are most likely to come forward in urban fringe areas or in locations close to settlement boundaries. Any such proposals would be considered on their merits but would be likely to be acceptable in principle (see Policy OS7).

- Policy OS4**
- 1. The Council will support Parish Councils, landowners and developers who wish to provide publicly accessible open space in locations which will address local deficiencies, as identified in the Open Space Strategy.**
  - 2. Adequate provision will need to be made for the subsequent maintenance of all publicly accessible open space.**

- 8.3.8 In implementing this policy, regard should be paid to the modified **Green Flag qualitative criteria** (as set out in the OSS Technical Study) to ensure a suitably high standard of provision is achieved.

**Planning for New Provision: Reinforcing the Green Infrastructure Network**

- 8.3.9 In planning for new open spaces and in assessing planning applications, the Council will seek opportunities to improve the existing network of green spaces in the Borough. This approach will, potentially, achieve a number of benefits including:
- improved accessibility around the urban areas and between urban areas and the countryside for people to enjoy. This is particularly relevant along the river corridors in the Borough, most notably the River Medway;
  - Reinforcement and creation of natural corridors and/or stepping stones to facilitate the potential migration of habitats and species. This will become increasingly important as the impacts of climate change take effect and potentially threaten the location of existing habitats and species.

- 8.3.10 Wherever practicable, the Council will seek to improve linkages between existing open spaces in order to achieve a more comprehensive green infrastructure network. The bases of this green infrastructure network are the outputs from the Council's Open Space Strategy, '**Living Landscapes in the South East**', and the '**Kent Landscape Information System**' (KLIS). The Green Infrastructure Network Diagram identifies publicly accessible open spaces, public rights of way, nature conservation designations, landscape designations, rivers and areas of biodiversity opportunity in the Borough and the potential for linkages to be created between them.
- 8.3.11 This approach will benefit the health of the local community by identifying opportunities for improving access by foot, cycle and, where appropriate, horse to recreation sites and Public Rights of Way as well as enhancing and widening biodiversity in the Borough by providing pathways for wildlife (flora and fauna) to migrate along. It will, effectively, enable open spaces to perform a multi-functional role because there is no reason why, in most cases, the recreational and biodiversity uses should conflict. In this respect, the following Policy needs to be read in conjunction with Policy NE2 in the 'Natural Environment' Chapter and Kent County Council's **Countryside Access Improvement Plan**. Where appropriate, the land management practices identified in the **AONB Management Plans** should also be referred to.

**Policy OS5**

1. Any open spaces provided as part of new development, either on-site or off-site, must, wherever practicable, be located where they can provide a safe connection, either directly or in the form of a stepping stone, with the existing network of open spaces and wildlife corridors as identified on the Green Infrastructure Network Diagram.
2. Any such connection will be required, where practicable, to provide opportunities for walking, cycling and, where appropriate, horse riding between and through open spaces, as well as opportunities for natural habitat creation and species migration.
3. New open spaces provided in association with new development must be managed to facilitate natural habitat creation and to allow, wherever practicable, for species migration across the Green Infrastructure Network.

### ***Planning for New Provision: Accessibility and Safety***

8.3.12 To ensure open spaces can be enjoyed safely by all members of the community, it is important that provision effectively addresses issues of accessibility and security and helps to deliver the objectives of the Tonbridge and Malling Community Safety Partnership.

**Policy OS6**    **Proposals for development will only be permitted if new open spaces provided in association with the development, and any enhancements to existing provision, are:**

- (a) wherever practicable, located where they can be accessible by foot, bicycle, public transport and by people with disabilities and, where appropriate, by horse, and**
- (b) designed to minimise the risk of crime and reduce the potential for anti-social behaviour and the fear of crime by incorporating natural surveillance as a means of increasing people's feeling of safety.**

8.3.13 Regard should also be paid to the modified Green Flag qualitative criteria (as set out in the OSS Technical Study) to ensure a high standard of provision is achieved. The following documents are also relevant: 'Kent Design', guidance produced by the Commission for Architecture and the Built Environment (CABE) on public space provision, and 'Secured by Design', the UK Police flagship initiative supporting the principles of designing out crime by use of effective crime prevention and security standards.

### ***Planning for New Provision: The Urban Fringe***

8.3.14 The urban fringe areas in Tonbridge and Malling perform several functions that are valued by the local community and which need to be effectively managed and, where possible, enhanced. These include:

- a clear demarcation between the town and country;
- a bridge to the country – providing accessible links from open spaces in the urban areas to Public Rights of Way, other footpaths, bridleways, cycle ways and other green spaces into the wider countryside;
- a link between green corridors in the urban areas to habitats in the countryside for species to migrate along;
- a gateway to the urban areas, in particular the Town of Tonbridge – the quality of the countryside in and around the urban areas of



the Borough being an indicator of the quality of the towns themselves; and

- a location where publicly accessible open space can be provided to meet deficiencies that can not practicably be accommodated elsewhere.

- Policy OS7**
- 1. Any proposals for development at the urban fringe which are otherwise acceptable in principle will not be permitted unless the multifunctional role of the area of providing a clear demarcation between the town and country, a bridge to the countryside, a link between green corridors and wildlife habitats in the countryside, and a gateway to the urban area is maintained and, wherever practicable, enhanced.**
  - 2. Proposals for publicly accessible open spaces in urban fringe areas aimed at addressing local deficiencies that can not feasibly be met elsewhere will be permitted.**



## 9. Implementation and Monitoring

### 9.1 Implementation

- 9.1.1 The implementation of the policies and proposals in the MDE DPD will depend on effective action from a range of different agencies, many of which are members of the **Local Strategic Partnership**<sup>1</sup>, but because of the nature of this particular DPD, the majority of its policies will be implemented through the day-to-day operation of the development control process. In this respect, the Council has an important facilitating and co-ordinating role in negotiating and bringing forward acceptable development and associated green and social infrastructure in line with the objectives of the Core Strategy and this DPD.
- 9.1.2 Whilst the majority of policies in this DPD will be implemented through the control of development, there are a number of situations where other initiatives and agencies will be involved, as set out below.
- 9.1.3 **Renewable Energy** (Policy CC1): For larger neighbourhood-wide schemes, eg. combined-heat-and-power systems, developers will be expected to work together with an Energy Services Company (ESCO) which will develop, install, finance, manage and operate the facility.
- 9.1.4 **Sustainable Drainage Systems (SUDS)** (Policy CC3): The Environment Agency and relevant Water Companies will need to be closely involved with the Borough Council in the design of any SUDS to ensure that the requirements of the Groundwater Regulations are complied with and that there is no overloading of public sewers.
- 9.1.5 **Winter Water Storage** (Policy CC4): Grant aid for farmers, growers and foresters of up to 40% is available for the development of winter water storage from the Rural Development Programme for England established by the South East England Development Agency (SEEDA).
- 9.1.6 **Green Infrastructure and Biodiversity Networks** (Policies NE2, OS5 and, at the Urban Fringe, Policy OS7): As local planning authority, landowner and through partnership working and community advocacy the Borough Council will assume a pivotal role in co-ordinating and driving forward the delivery of the Green Infrastructure (Policy OS5) and Habitat Networks (Policy NE2) in the Borough as identified on the Green Infrastructure Network Diagram. However, stakeholder involvement and support is going to be essential to delivering these networks and it is important that all relevant organisations are actively engaged. Developers and landowners will also be instrumental in delivering Green Infrastructure and Habitat Network enhancement either directly on individual development sites or by a contribution towards provision elsewhere. The following indicates some of the many

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<sup>1</sup> See para 1.2.2

ways in which Green Infrastructure and Habitat Networks can be implemented and monitored.

- **Management of new provision:** The bringing together of a multi-disciplinary team of Council Officers, external advisors (such as the Environment Agency, Natural England, Sport England and the Kent Wildlife Trust), developers, landowners and other stakeholders to promote and oversee the implementation of the various elements of the Green Infrastructure Network and to establish appropriate management regimes using organisations like the Medway Valley Countryside Partnership. Specific projects may be advanced by organisations such as the Valley of Visions Landscape Partnership which is supported by the Borough Council and lottery funding.
- **Management of existing Open Spaces:** The Borough Council will seek to manage the open spaces it directly controls having regard to the Green Infrastructure Network Diagram and, in particular, will aim to incorporate natural areas, stepping stones or corridors to enable the spread of biodiversity where this is practicable and compatible with the primary use of the site.
- **County and Parish Council owned land:** The Borough Council will work with Kent County Council and the Parish Councils who own land within the Borough to ensure a co-ordinated approach to land management having regard to the Green Infrastructure Network Diagram.
- **Open Space Provision within New Developments:** The Borough Council will work with developers to ensure that, wherever practicable, the provision and management of open space within new developments is multifunctional, providing amenity areas and recreational space but also contributing to habitat enhancement within the context of the Green Infrastructure Network Diagram. Depending on the scale and location of the development, such provision and mitigation may be made either on-site or off-site or by means of a developer contribution towards provision elsewhere in the vicinity (see Policy OS3)
- **Agri-Environmental Schemes:** Landowners can apply for Environmental Stewardship Scheme funding from Natural England to conserve and enhance the countryside. The Forestry Commission also provides grants for landowners and community groups who wish to manage and enhance woodland under The English Woodland Grant Scheme.

- **Roadside Nature Reserves:** The Kent Wildlife Trust will continue to work with Kent County Council as Highway Authority to identify roadside verges with biodiversity interest and to manage them for conservation purposes.
- **Achievement of BAP Objectives:** The Borough Council will work with Kent Biodiversity Action Plan partners with the aim of fulfilling the relevant Kent BAP objectives and targets having regard to the enhancement opportunities identified in the Green Infrastructure Network.
- **Community Projects:** The Kent Wildlife Trust, through the Living Landscapes project, and the Farming and Wildlife Advisory Group and the Medway Valley Countryside Partnership can all provide advice on the setting up and management of projects within the Borough which seek to conserve and enhance green infrastructure and habitat networks. Landscape Enhancement Grants and Ponds Grants are available from the Medway Valley Countryside Partnership as well as free trees (see para 9.1.7).
- **Wildlife Gardening Projects:** The Borough Council will continue to promote wildlife gardening projects within the borough to endeavour to link private gardens into the Green Infrastructure and Habitat Networks and encourage the wider community to play its part.
- **Businesses:** Landscaping schemes associated with new and existing business developments can be designed and managed to attract biodiversity under the Biodiversity Benchmark scheme.
- **After-use of Quarries:** Kent County Council is the Minerals Planning Authority. The Borough Council will expect the County Council to have regard to the Green Infrastructure Network in negotiating with minerals operators to ensure that wherever possible restoration schemes contribute to the objectives of the network.
- **Landscape Projects:** The Borough Council will work with organisations like the Valley of Visions Landscape Partnership and the Medway Valley Countryside Partnership to identify projects within the Borough that can contribute to the Green Infrastructure and Habitat Networks.

9.1.7 **Trees and Woodlands** (Policy NE4): Landowners can apply for Environmental Stewardship funding from Natural England to conserve and enhance the countryside. The Forestry Commission also provides grants for owners and community groups who wish to manage and enhance woodland under the English Woodland Grant Scheme. The

Borough Council provides Landscape Enhancement Grants (which could include tree planting) which are available from the Medway Valley Countryside Partnership which also administers, on the Borough Council's behalf, the "Kent Free Tree Scheme". This offers up to 25 free trees each to individuals, farmers, Parish Councils and non-profit-making organisations in the Borough. The Council also has an annual budget for tree planting on its own land.

- 9.1.8 **Landscape and Townscape enhancement** (Policy SQ1): Whilst this policy is principally a development control policy, enhancement of the landscape can be more pro-actively pursued through the sorts of measures identified above in relation to the Green Infrastructure Network and through the implementation of AONB Management Plans. Within the urban areas, as resources allow, the Council will continue to promote and grant aid enhancement schemes identified through Conservation Area and Character Area Appraisals.
- 9.1.9 **Locally Listed Buildings** (Policy SQ2): The Borough Council will take the lead in preparing a list of buildings of local interest in consultation with Parish Councils and local amenity groups.
- 9.1.10 **Healthcare Provision** (Policy SQ7): The promotion of healthy living is one of the Council's Key Priorities. It will continue to work closely with the local Primary Care Trust to identify as comprehensively as possible the healthcare needs of the Borough and the impact of new development on those needs. This assessment will be paid regard to in deciding what level of direct provision (on or off-site) or developer contribution might be necessary.
- 9.1.11 **Transport Improvements** (Policy SQ8): The County Council as Highway Authority (and, where appropriate, the Highways Agency as the body responsible for Motorways and Trunk Roads) will assess the traffic impacts of development and advise the Borough Council what improvements to transport provision or the highway network are necessary before the development is acceptable. Any improvements to the highway network may be made either directly by the developer under a Section 278 Agreement with the County Council, or by means of a financial contribution towards works elsewhere which may then be implemented directly by the Highway Authority or, the case of Motorways and Trunk Roads, the Highway Agency.
- 9.1.12 **Crime and Disorder** (Policy SQ9): The reduction of crime and disorder in the Borough is one of the Council's Key Priorities and it is working closely with the Crime and Disorder Partnership to achieve this aim. Policy SQ9 refers to the provision in association with certain categories of development of a range of effective measures to reduce crime and disorder. In deciding what these measures might be the Council will have regard to the views of the police and the Community Safety Partnership. In terms of implementation, the developer may directly make appropriate provision (eg, installation of CCTV cameras) or may

make a financial contribution to the Community Safety Partnership to enhance the quality of policing or surveillance in the locality.

- 9.1.13 **Open Space Enhancement** (Policy OS1): The quality of open space provision in the Borough is important in achieving a number of the Council's Key Priorities; in particular meeting the needs of young people and promoting healthy lifestyles. The Borough Council will therefore use developer funding and its own resources to progressively bring forward improvements to those open spaces (including allotments) identified as requiring enhancement under Policy OS1.2. It will work in partnership with the Parish Councils to achieve this objective where it is not the owner of the open space.
- 9.1.14 **Allotments** (Policy OS2): Provision and enhancement of allotments is a matter for the relevant allotment provider which is generally the Borough Council within Tonbridge and the Parish Councils elsewhere in the Borough. Subject to available funding, Parish Councils may seek grant assistance for allotment provision from the Borough Council and, for example, the Lottery.
- 9.1.15 **New Open Space Provision** (Policy OS3) New provision may be provided on-site in association with new development. Where this is principally for the benefit of the users of the development this will be directly funded and maintained by the developer or by subsequent management arrangements (eg a management company or trust). Off-site provision will be funded by developer contributions with appropriate arrangements for on-going maintenance.

## **9.2 Resources**

- 9.2.1 Improvements in the quality of the physical environment cost money. Ultimately these costs will be reflected in the level of taxes or the price of goods, services and housing. Consequently, there are wider economic considerations affecting the implementation of the proposals in this DPD. In particular, the condition of the national economy affects the amount of expenditure that is available within both the public and private sectors. In the public sector there is also competition for the limited available resources between, for example, provision of services and things like environmental improvements.
- 9.2.2 The implementation of many of the proposals in this document will therefore be influenced by the availability of resources. Continuing limitations on public sector spending mean that only limited resources will be available for the foreseeable future from the public sector to implement the proposals in this document. The aim will therefore be to achieve as much as possible through working in partnership with the private sector and other agencies. Development contributions will be secured in appropriate circumstances and will be used for such things as environmental enhancements and the provision of community services and facilities where this can be justified by the scale and nature of development proposed.

### 9.3 Monitoring

- 9.3.1 In order to ensure that the objectives of the MDE DPD, as set out in Chapter 3, are met the Council will monitor the performance of the policies and implementation of the proposals in the plan. The monitoring process will be reported in the **Annual Monitoring Report** which is published at the end of December each year. The aim of monitoring is to establish whether the policies in the MDE DPD are continuing to be appropriate and whether proposals (eg new or improved open spaces) are being implemented as planned and consequently whether it is still providing an adequate framework for influencing and controlling development.
- 9.3.2 To monitor performance, a number of specific Core Output and Local Performance Indicators are included in Annex E to the Core Strategy. Those relevant to the monitoring of the MDE DPD are reproduced under **Annex F** to this DPD together with some additional Local Indicators relating to specific policies. Performance indicators provide a consistent basis for monitoring performance against the objectives of the plan. However, it must be recognised that not all of the indicators will be influenced solely by the implementation of the plan itself. Other, external factors will often have an influence. Where practicable, targets have been set. However, in a number of cases targets can not realistically be identified because an initial period of monitoring needs to be undertaken in order to establish baseline information. In some cases the target is simply to match or improve upon the previous year's performance or to maintain the current situation by ensuring no net change.
- 9.3.3 **Annex E** is a schedule which indicates for each policy the objective or objectives that the policy is intended to meet and the relevant performance indicators.
- 9.3.4 **Annex F** defines the performance indicators in more detail, categorising them according to themes and classifying them by type. Each theme includes a number of core output, local and contextual indicators. For each indicator the following is identified: baseline data (where it already exists); targets and target dates; the period for review; source and indicator type; and the potential sources of information.
- 9.3.5 The indicators have been derived from the Government's advice in Local Development Framework Monitoring: A Good Practice Guide (2005), the South East England Integrated Regional Framework, the Sustainability Appraisal, Best Value Performance Indicators and Local Performance Indicators.



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