
Preferred Options - Context

CONTEXT

REF	RESPONDENT	REP	REPRESENTATION	RESPONSE
1.3 DESCRIPTION OF THE BOROUGH				
1. OFFICIAL CONSULTEE				
91	English Heritage	PO/091.01	Paragraph 1.3.9 refers to rich heritage constraining the scope for any radical change. It should be remembered that the historic heritage can make a contribution to successful development schemes.	Reference to constraining the scope for radical change has been deleted.
103	Environment Agency	PO/103.01	Supports Paragraph 1.3.7 - Acknowledgement that flooding is a major constraint in the Borough.	Noted.
175	Kent County Council Strategy Division	PO/175.01	Paragraphs 1.3.1 to 1.3.9 should mention the wealth of archaeological sites, including 25 scheduled monuments, the number and variety of historic listed buildings and the historic landscapes.	Reference to these sites, monuments, buildings and landscapes is considered to be too detailed for these paragraphs, however general reference to the rich heritage is included.

1.4 PLANNING POLICY CONTEXT

1. OFFICIAL CONSULTEE

64	English Nature	PO/064.01	Paragraph 1.4.2 relating to PPS9 should be amended as follows: "PPS9 Biodiversity and Geological Conservation - this indicates that it is the Government's policy to maintain, enhance or add to biodiversity through development. Opportunities to maximise the incorporation of beneficial biodiversity or geological features should be sought with all development. Development that affects statutory sites notified for their nature conservation interest should be permitted in exceptional circumstances. Where development is permitted	Words to this effect have been included in an Annex which now lists all PPGs and PPSs.
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			in exceptional circumstances, any harmful effects must be adequately mitigated."	
103	Environment Agency	PO/103.03	Paragraph 1.4.2 - PPG25: Flooding - Text should be added that PPG25 is soon to be replaced by PPS25.	Agree - all references now refer to draft PPS25.
103	Environment Agency	PO/103.02	Paragraph 1.4.2 - Reference to "draft" PPS9 should be deleted to reflect that it was published in August 2003. Final sentence should be amended to reflect PPS9 which states that if mitigation or compensation measures are not possible then permission should be refused.	Agree.
175	Kent County Council Strategy Division	PO/175.02	Paragraph 1.4.3. Selective topic-based reviews of the RSS have been undertaken and approved since 2001 e.g. in relation to Tourism, Sport and Recreation, and Energy Efficiency and Renewable Energy.	Reference to selective reviews now included
175	Kent County Council Strategy Division	PO/175.03	Paragraph 1.4.6. Appropriate elements from the Structure Plan have been incorporated into the Core Strategy, however it is felt the document writes the Structure Plan off at too early a stage in the LDF preparation process. Reference to adoption of the Structure Plan should be early 2006.	The Kent and Medway Structure Plan is a material consideration for the LDF although there is now no requirement for the LDF to be prepared in conformity with it. The LDF has been prepared taking into account guidance contained in PPS12 and the Draft Regional Spatial Strategy for the South East, being the more relevant document. Reference to the adoption of the Structure Plan has been deleted.
3. INTEREST GROUP				
52	Hildenborough Village Preservation Association	PO/052.01	Supports Paragraph 1.4.2 - maintenance of the current Green Belt policy for the long term and the presumption against inappropriate development within Green Belts. Supports Reference to PPG15 as it applies to Hildenborough e.g. Coldharbour Lane, and Sackville / Mountains park area.	Noted.
289	RSPB	PO/289.10	Paragraph 1.4.2 - Summary of draft PPS9 should recognise the importance of international sites designated for their international importance.	Agree - reference to international sites now included.

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5. LAND OWNER				
172	Trenport Investments Ltd	PO/172.01	Object to Paragraphs 1.4.3 - 1.4.6 relating to taking forward the Development Land Allocations at a time when there is no certainty about the housing requirements of the South East Plan. If TMBC intend advancing the Development Land Allocations DPD now, it should be made clear that any increase in housing requirements will allow Peters Pit and Works and thereafter Bushey Wood to be brought forward.	It is believed that there is sufficient flexibility built into the land supply picture to allow for changes to be made to the South East Plan dwelling requirements. However a reference has been included to make it clear that if the ultimately approved figures in the South East Plan prove to be significantly higher then attention will turn first to the Bushey Wood Area of Opportunity to meet any shortfall.

1.5 COMMUNITY STRATEGY

1. OFFICIAL CONSULTEE

91	English Heritage	PO/091.02	The Community Vision in paragraph 1.5.2 refers generally to environmental protection, while the measures identified in paragraph 1.5.7 are limited to natural environment, but not the built or historic environment.	This section has been updated but it can only reflect what is in the published Community Strategy.
103	Environment Agency	PO/103.04	Paragraph 1.5.7 - Welcomes the production of an Environmental Policies DPD and the positive intention to work with the Environment Agency and others on the Kent Biodiversity Action Plan, the Medway Catchment Flood Management Plan and others.	Noted.
175	Kent County Council Strategy Division	PO/175.05	Paragraph 1.5.7. The example of services should refer to education, which has a wider meaning than schools. It should also make reference to libraries. Youth and health should be extended to include social and health services.	This section has been removed from the Core Strategy entirely.
175	Kent County Council Strategy Division	PO/175.04	Paragraphs 1.5.1 to 1.5.8. The Community Strategy section does not include reference to the historic environment. It is important that the role the historic and built environment can play in terms of developing a "sense of place" is picked up elsewhere in the LDF.	The Section on the Community Strategy can only reflect what is in the Community Strategy. This section has in any case now been revised and significantly shortened in the submitted version of the Core Strategy.

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3. INTEREST GROUP				
289	RSPB	PO/289.13	"Protection, management and enhancement of the Borough's biodiversity and wildlife habitats" - This section should include reference to internationally important conservation sites.	There is no need to include specific reference to such sites in this section. It is an overarching aspiration deriving from the Community Strategy. In any case, most of this contextual section has not been carried forward into the Core Strategy.

1.6 OTHER PLANS AND STRATEGIES

1. OFFICIAL CONSULTEE

64	English Nature	PO/064.04	Supports inclusion in paragraph 1.5.23 of 'The Kent Biodiversity Action Plan'.	Noted.
64	English Nature	PO/064.03	Supports inclusion in paragraph 1.5.19 of 'Action for Biodiversity in South East England'.	Noted.
64	English Nature	PO/064.02	Supports Paragraph 1.5.17 regarding inclusion of 'Seeing the Woods for the Trees'.	Noted.
74	Kent Downs AONB Unit	PO/074.01	Support reference to the Kent Downs AONB Management Plan in paragraph 1.5.34.	Noted.
103	Environment Agency	PO/103.06	Support Paragraph 1.5.38 relating to the Medway Catchment Flood Management Plan.	Noted.
103	Environment Agency	PO/103.05	Support Paragraph 1.5.37 relating to the Medway Catchment Abstraction Management Strategy.	Noted.
175	Kent County Council Strategy Division	PO/175.09	Object to Paragraph 1.5.24. A review of Kent Prospects is under way.	Noted. A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy.
175	Kent County Council Strategy Division	PO/175.06	Paragraphs 1.5.11 and 1.5.12. The Regional Housing Strategy has been submitted to Government. A draft decision of the Regional Economic Strategy is due in late 2005.	A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy.

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175	Kent County Council Strategy Division	PO/175.08	Paragraph 1.5.23. Community Strategy for Kent - Update text to reflect latest situation.	A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy.
175	Kent County Council Strategy Division	PO/175.10	Paragraph 1.5.25. Kent Minerals Local Plan - Update text to reflect latest situation.	A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy.
175	Kent County Council Strategy Division	PO/175.11	Paragraph 1.5.29. Update text to reflect latest situation. Note that the document should be referred to as "The Kent Design Guide." Also, a new guide is to be launched in December 2005.	A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy. Reference to the Kent Design Guide has been updated to 2005.
175	Kent County Council Strategy Division	PO/175.07	Paragraph 1.5.20.. Local Transport Plan fro Kent. Update text to reflect the correct name of document and latest situation.	A simple list of 'Other Plans and Strategies that have influenced the Core Strategy' is now included as an Annex to the Core Strategy.
3. INTEREST GROUP				
52	Hildenborough Village Preservation Association	PO/052.02	Kent Design Guide is a good way of ensuring good quality development in keeping with the wider and immediate environment where development is permitted.	Noted.
4. CONSULTANT				
256	SEEDA	PO/256.01	Support Paragraph 1.5.12 relating to the Regional Economic Strategy.	Noted.

1.7 BASELINE STUDIES

1. OFFICIAL CONSULTEE

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REF	RESPONDENT	REP	REPRESENTATION	RESPONSE
64	English Nature	PO/064.05	Would like a biodiversity study to be undertaken within the Borough to determine the impact upon biodiversity of the preferred development areas. This should be a key factor in determining areas that are least sensitive to development.	This would be appropriate if the Council were needing to look for additional land for development, but the conclusions of the baseline studies are that there is no such need. The only proposal for fresh land release during the plan period is at Isles Quarry, Borough Green driven by rural affordable housing needs, where there is no evidence of any biodiversity interest within the site and a requirement that the biodiversity of the adjacent Wildlife site is preserved and managed in association with the development.
175	Kent County Council Strategy Division	PO/175.12	Object to Paragraph 1.6.2. Whilst meeting RSS housing requirements will be a key aim of the plan, these are not yet defined or approved at a regional, sub regional or district level. Existing guidance in RSS9 is confined to the county level. In the interim the Structure Plan provisions represent the more definitive and tested guidance.	This is not considered to be necessary as the South East Plan figures will be more material at the time the LDF is adopted.
219	Home Builders Federation	PO/219.03	Para 1.6.6 and Table 1, Urban Capacity Study - Concerned about the methodology for calculating future land supply. The identification of a large number of sites for housing significantly reduces the likelihood of past windfall rates being replicated in the future. This results in the calculated housing surplus being eroded i.e. there is an overlap between the new sites capacity figure of 775 dwellings and the large site windfalls of 1,209 dwellings. This approach does not therefore meet the tests of paragraph 4.24 of PPS12.	There is no overlap between new sites and windfalls because new sites and sites with permission have been discounted from the windfall projection. The whole approach to projecting windfalls has been reviewed in the submitted version, but the overall results are not significantly different.
233	Maidstone Borough Council	PO/233.01	Supports the fact that there is sufficient provision to construct 6,400 houses in the period 2006-2021.	Noted.
233	Maidstone Borough Council	PO/233.03	Supports the fact that there is enough land allocated to meet employment needs until 2016.	Noted.
3. INTEREST GROUP				
174	Kent County	PO/174.03	Supports Paragraph 1.6.24 relating to retail use. KCC has	Noted.

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	Council Property Group		functions and land holdings in Martin Square Larkfield that could assist in future objectives.	
4. CONSULTANT				
256	SEEDA	PO/256.02	Supports Paragraph 1.6.18 relating to the Employment Land Review.	Noted.
5. LAND OWNER				
79	Hallam Land Management Limited	PO/079.02	<p>Table 1 over-estimates the extent of housing supply for the following reasons:</p> <ul style="list-style-type: none"> * The windfall development estimate is too high * Carrying forward unimplemented allocations from the previously adopted plan should be subject to further scrutiny as to why they are still unimplemented * It is not reasonable to assume that all sites within the Urban Capacity Study are deliverable within the plan period * There are inconsistencies between Table 1 and Policy CP19 regarding the estimated time of delivery for Peters Pit. * Peters Pit is in an unsustainable location and is reliant upon significant infrastructure. The fact that this area of land is former quarry land is not justification for 1000 dwellings on the site. * The plan should make provision for the possibility that the strategy will fail to deliver the requisite housing numbers by applying a flexibility allowance, and allocating land at Lower Haysden Lane. 	<p>The land availability picture has been thoroughly reviewed and rolled forward to 2006. The windfall projections, which are considered to be conservative, have also been reviewed but are very similar to before. All sites identified through the Urban Capacity Study are not counted as being deliverable during the plan period. In fact, very few of them are. The majority are identified under Annex F as constrained sites, which means that if they come forward they will contribute towards windfall development. Planning permission has been granted for Peters Pit and the Core Strategy has been amended accordingly.</p>
107	H & H Celcon Limited	PO/107.02	The Employment Land Review section fails to explain how the expansion needs of established employers are addressed at their existing location.	The Employment Land Review (ELR) was undertaken in accordance with the Government's 'Employment Land Reviews - Guidance Note' produced in December 2004. In reaching the conclusions, the ELR assessed the role of existing employment sites against qualitative criteria, market forecasts for future employment requirements and the future supply of land for employment. It came to the conclusion that no new sites, including the expansion of the extent of existing sites, are

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172	Trenport Investments Ltd	PO/172.02	Object to Paragraphs 1.6.4 and 1.6.5 and Table 1 relating to the overall housing land supply, particularly the level of windfalls. Whilst the immediate land supply may have increased due to windfalls coming forward, further justification for the level of windfalls in the long term is essential.	required. Further detailed information explaining the methodology and results can be found in the full ELR. The projections of windfalls have been reviewed in the light of recent experience but the revised levels are not significantly different to those included in the Preferred Options Report which are considered to be conservative.
220	Strategic Partners UK Fund I	PO/220.07	Object to Paragraphs 1.6.18 and 1.6.22 in relation to 2-8 Morley Road. Drivers Jonas did not discuss the study with the owner or landlord of the site and therefore fails to provide an accurate description of the current situation. The issue of sub-division has been discussed with officers at the Council who acknowledged that sub-division may not be suitable.	The methodology used in the Borough's Employment Land Review is the same as that identified as best practice in the Government's guidance published in "Employment Land Reviews: Guidance Note, December 2004". In line with the recommendations in the Guidance, the consultants carried out an employer survey with over 200 businesses across the employment spectrum and across the Borough. The survey results concluded that the availability of sites was a problem. The Council has a responsibility to ensure that there are a variety of sites available for employment purposes. Given that 2-8 Morley Road falls within an established and thriving industrial estate, there is no justification to accommodate redevelopment of the site to uses other than B1, B2 and B8.
252	Tesco Stores Ltd	PO/252.01	Paragraph 1.6.24 - Disagree with the statement that the Tesco at Lunsford Park is another large out-of-centre superstore and consider that it is within the Lunsford Park District Centre. The site is allocated as such in the Local Plan and there have been no material changes in circumstances. Therefore, the text should be re-written accordingly.	Disagree that Lunsford Park can be described as a "District Centre". Since the Local Plan was adopted, the nature of Lunsford Park has changed in that the number of units has declined from 4 plus a superstore to 2 plus a hypermarket. The function of the centre has changed in that it now serves a much wider catchment area and does not meet the test in PPS6 of what constitutes a "District Centre".
7. PUBLIC				
170	Mr Stephen Graham	PO/170.04	Paragraph 1.6.12 - regarding the term "affordable housing." TMBC should ensure that a far greater proportion of cheap housing is built than is proposed by SEERA. The demand for this housing should be determined before it is pursued to any	A new study of affordable housing requirements has been undertaken by Consultants DCA. It is right that the need for affordable housing is high, but regard must also be paid to viability in terms of the proportion of affordable housing that is

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			significant extent. Government should prohibit the upgrading of affordable housing by increasing the size. TMBC should clarify what proportion of housing mix will be affordable, social, and cheap. A definition of what 'cheap' means at today's housing prices should be included, both as an actual sum of money and as a proportion of the mean and median house costs during the last 2-3 years.	sought in respect of new developments.
222	Miss Gill Goode	PO/222.04	Paragraph 1.6.5 - Considers that Peter's Pit is not required prior to 2021 and that it should be safeguarded as an Area of Opportunity, similar to that proposed for Bushey Wood in Policy CP18, rather than being firmly allocated for development.	Planning permission has been granted for development at Peters Pit in accordance with the Tonbridge and Malling Borough Local Plan.
225	Mr Tim Fulwell	PO/225.01	Peter's Pit is not required before 2021 and is borne out by the surpluses for 2011-2016 and 2016-2021 shown in Table 1. Furthermore, paragraph 1.4.5 states that the Borough is subject to a general policy of restraint. The allocation should be deleted and changed to an Area of Opportunity in line with Policy CP18. This would allow for earlier development if there is a significant shortfall in housing development.	Planning permission has been granted for the Peters Pit development in accordance with the Tonbridge and Malling Borough Local Plan.

1.8 RESPONSE TO CONSULTATION

2. PARISH COUNCIL

268	Ditton Parish Council	PO/268.01	Supports the Council's response to the Issues Report consultation in relation to Hermitage Lane, Aylesford	Noted.
268	Ditton Parish Council	PO/268.02	Supports the Council's response to the Issues Report consultation in relation to Preston Hall, Aylesford	Noted.

3. INTEREST GROUP

52	Hildenborough Village Preservation Association	PO/052.03	Concerned about the suggested review or deletion of Local Landscape Designations without the wishes of local inhabitants being clearly respected.	Government advice in PPS7 is that local landscape designations should not be used where a criteria-based approach will suffice. The Council has decided to retain the Special Landscape Area as a local landscape designation because it is of county-wide
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				significance and is justified by a landscape assessment carried out on a consistent basis across the county. Areas of Local Landscape Importance will be replaced by a new criteria-based policy in the Core Strategy.
5. LAND OWNER				
107	H & H Celcon Limited	PO/107.03	Previous issues raised and the Council's response to these issues need to be correctly reported. Previously sought: * an Area Action Plan for Borough Green to consider delivery of the Borough Green Bypass; * release of land from the Green Belt at Borough Green to enable development funding, delivery of the Bypass, and expansion of works site.	The Preferred Options Report only includes a brief summary of some of the main issues raised through consultation on the Issues Report. The full summary and responses is published separately.

1.9 SUSTAINABILITY APPRAISAL

1. OFFICIAL CONSULTEE

69	Highways Agency	PO/069.01	The Highways Agency has not been listed as a statutory consultee and there is no mention of the trunk road network in the sustainability appraisal section of the preferred option report.	The Highways Agency is not one of the four statutory consultees in respect of Sustainability Appraisals. The Sustainability Appraisal deals with the significant effects of the Plan's proposals and the options that were considered.
91	English Heritage	PO/091.03	Studies such as the KCC Historic Landscape Characterisation survey and surveys of Historic Towns would provide a valuable source of information to contribute to the identification of sustainability issues and objectives in paragraph 1.8.7.	Noted.