

## Conserving and enhancing our natural environment

### Summary of Regulation 18 consultation responses (March 2026)

#### Question 26 – Do you agree with NE1: Conserving and Enhancing the Natural Environment?

Total Number of responses received: 147					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
14	22	5	7	70	29

#### Summary of issues raised

The comments provided by respondents to this question reflect a range of views on the policy wording of Policy NE1 and its supporting text.

Of those respondents who expressed support for Policy NE1 (either strongly agreed or agreed) there was a broad consensus that the policy was supported. Key themes from these responses included:

- General support of valuing nature and biodiversity whilst supporting health and well-being benefits linked to the natural environment.
- Strong appreciation for the protection of nature, habitats, and green spaces.
- Approval of biodiversity focused measures and cross references to the LNRS.
- Support for safeguarding high quality agricultural land.
- However, some respondents raised concerns over implementation challenges and how the policy will be enforced.

The number of respondents who selected a neutral response, was very small. However, they appear to value environmental protection strongly but raise concerns over the cumulative impact of proposed development on the natural environment.

The majority of respondents disagreed or strongly disagreed with the policy. The majority of these responses were in connection with allocation TO1. Key themes from the responses included:

- Respondents felt that proposed allocations contradict the aims of conserving and enhancing the natural environment, including loss of biodiversity on development sites and siting development in areas at risk from flooding.
- Concerns about the loss of high-quality agricultural land to accommodate development.
- Concerns have also been raised about the perceived increase in pollution levels associated with the scale of development proposed in the spatial strategy.

- Concerns that the levels of growth proposed will detrimentally impact on the rural character of the borough and cause harm to village and landscape character.
- Concern about the impact of development on trees and woodland.
- Concern that development is being located in areas at risk from flooding and will increase surface water flooding.
- Some respondents raised concerns over implementation challenges and how the policy will be enforced.

For those who did not answer the sentiment question, key themes included:

- Some respondents raised that there was some duplication/over-lap between Policy NE1 with other policies in the plan.
- Respondents were concerned about the impact of the proposed spatial strategy on valuable and irreplaceable ecological assets, erosion of rural landscapes, loss of high-quality agricultural land and worsening pollution levels.
- Some respondents identified the considerable costs associated with mitigation measures in Policy NE1, and the impact that this along with other policy requirements, may have on site viability.

#### Summary of feedback from Statutory Consultees

- **Natural England** supports the policy wording but would like to see the inclusion of priority species in criterion 1c.
- **Kent County Council** - The County Council appreciates TMBC's recognition of the environment as a vital asset for health and wellbeing and for referencing Making Space for Nature as a valuable resource. Championing the benefits of natural and historic environments is essential for promoting mental and physical health, strengthening community identity, and ensuring equitable access for all. This approach will help reduce health inequalities and foster inclusive, healthy communities. The County Council would be pleased to work collaboratively to provide relevant data, evidence, and guidance to strengthen the Local Plan and associated policies moving forward.

#### Summary of feedback from District / Boroughs

- **Maidstone Borough Council** suggest that although the plan refers to 'taking an ecosystem services approach' in policy NE1 (b) but other than a short definition of this, doesn't really apply or explain how it is doing that. Ecosystem services is a much bigger, integrated /holistic approach to habitat and natural environment, but this does not appear in the plan.
- **Tunbridge Wells Borough Council** supports this policy which makes the overarching provision for a wide range of issues including habitat protection

(including the mitigation hierarchy), biodiversity net gain, landscape protection, soil protection and minimising the loss of agricultural land.

#### Summary of feedback from Town and Parish Councils

- **Aylesford Parish Council** supports the policy.
- **West Malling Parish Council** support the policy
- **East Malling and Larkfield Parish Council** - In relation to Best and Most Versatile land, what can be done to guard against cumulative loss? We see incremental losses that individually are not sufficient to meet Natural England's threshold for comment, but cumulatively the loss ends up being huge and is unsustainable in the longer term. How can this be addressed?

#### Summary of feedback from other organisations

- **High Weald National Landscape Unit** – state that this policy, and its references to the High Weald National Landscape, its Management Plan, and associated supporting guidance and documents are supported.
- **Kent Downs National Landscape Unit** - strongly supports this policy, and made some suggestions for changes to paragraph 7.5.
- **The Woodland Trust** - supports this policy.
- **RSPB** – expressed support for the policy as it embeds the Kent LNRS and highlights LNRS Priority Species.

#### Officer response to the consultation feedback

The Regulation 18 consultation invited comments on Policy NE1. A significant number of representations were received from residents, land promoters, parish councils, statutory bodies and other stakeholders. The comments have provided valuable feedback on the clarity, appropriateness and deliverability of the policy.

Policy NE1 is intended to set out the borough's overarching approach to the natural environment that will support our vision of conserving and enhancing natural assets and increasing biodiversity, while other policies in the plan provide additional detail on specific policy topics. Officers consider that Policy NE1 remains appropriate and balanced.

However, a number of refinements will be made to supporting text to address concerns about clarity, interpretation and application and also to the policy itself to ensure matters raised are included. This will include:

- a) Strengthening the policy wording.
- b) Clarification of terms in the supporting text; and

- c) Consideration of cross references to other more detailed policies on specific topics in the policy implementation section where relevant for clarification.

**Question 27 – Do you agree with NE2: National Landscapes?**

Total Number of responses received: 83					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
10	19	17	3	14	20

Summary of issues raised

The comments provided by respondents to this question reflect a wide range of views. The feedback shows strong engagement from residents, community groups, statutory bodies, and developers/promoters, reflecting the significance of National Landscapes within the borough.

Those respondents who expressed support for Policy NE2 (either strongly agreed or agreed) emphasised the importance of landscape protection. Key themes included:

- Strong support for landscape protection, with respondents welcoming the commitment to preserve the High Weald and Kent Downs National Landscapes and viewing the policy as vital for protecting scenic beauty, tranquillity, and rural character.
- Welcoming alignment with national and statutory duties, with respondents highlighting that the policy reflects Government requirements to conserve and enhance designated landscapes.
- Recognition that National Landscapes carry the highest landscape protection and should remain safeguarded from major development, and that even small development can impact on local character.
- Support for landscape led development principles, particularly where these ensure high quality design, dark skies protection, and protection of historic landscape character.
- Welcoming alignment with national and statutory duties, with respondents highlighting that the policy reflects Government requirements to conserve and enhance designated landscapes.
- Some respondent sought clarification on what constitutes the setting of a National Landscape.
- A desire to see that the countryside beyond National Landscapes should also be valued.

Respondents who expressed a neutral sentiment to this question neither clearly supported nor opposed the policy. Key themes included:

- Some respondents requested clarification of definitions, including what constitutes “major development”, how “setting” is determined, and how long-range views should be assessed.
- Concern about the justification for additional requirements beyond those set in national policy.
- Concern about development pressures in National Landscapes, and that brownfield land should be developed before greenfield sites.

A relatively small number of representations objected to the policy wording. Key themes included:

- Concern that Policy NE2 still allows for some development, which may impact on heritage and the environment.
- Respondents were opposed to any development within or adjacent to National Landscapes.
- Concern that Policy NE2 goes beyond the national policy and case law
- Some respondents were concerned that an overly restrictive policy could hinder sustainable growth and conflict with housing requirements and strategic growth needs.
- Respondents felt the policy lacked clarity about how impacts in the setting of the National Landscape should be assessed.
- Some respondents identified the inconsistent use of terms “AONB” vs “National Landscape” and were unclear on the role of supporting guidance documents.

For those who did not answer the sentiment question, feedback tended to be technical in nature. Key themes included:

- Some respondents expressed support in principle but identified concerns that Policy NE2 goes beyond national policy and creates unnecessary barriers to development.
- Some specific wording changes were suggested to provide clarity including defining key terms.
- A small number of respondents raised concerns that the policy relies too heavily on the National Landscape Management Plans and supporting documents.

#### Summary of feedback from Statutory Consultees

- **Natural England** - support the inclusion of this policy, which aligns with NPPF paragraphs 189-190, and ensures that the borough’s National Landscapes, which are awarded the highest level of landscape protection, are protected and enhanced. However, we note that your authority has not adopted a definition of

‘major development’. NPPF footnote 67 specifies that whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. We strongly advise that your authority adopts a definition of major development for the next iteration of the plan.

#### Summary of feedback from District / Boroughs

- No comments received from Districts/Boroughs

#### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** – stated that they support this policy.

#### Summary of feedback from other organisations

- **High Weald National Landscape Unit** - The inclusion of Figure 7.2: National Landscape Coverage in the Borough is welcomed. Policy NE2, and its references to the High Weald National Landscape and its Management Plan, is generally supported. Some additional wording and cross references to part 2 were suggested.
- **Kent Downs National Landscape Unit** - supports this policy.

#### Officer response to the consultation feedback

A number of representations were received on Policy NE2. These came from residents, statutory consultees, land promoters and local organisations. Feedback was detailed and often technical, reflecting the importance and sensitivity of the Kent Downs and High Weald National Landscapes.

While the majority of respondents supported the principle of giving strong protection to nationally designated landscapes, many raised concerns about detailed wording that was either seen as too restrictive, went beyond national policy, or did not provide sufficient clarity. Conversely, some resident and community-based responses considered the draft policy not strong enough, emphasising the need for absolute protection and concern over the scale of development under consideration near protected landscapes.

However, a number of refinements will be made to supporting text to address concerns about clarity, interpretation and application and also to the objectives themselves to ensure matters raised are included. This will include:

- a) Consider policy wording to ensure alignment with the NPPF.
- b) Consider clarifying terminology such as setting, views, and major development.

## Question 28 – Do you agree with NE3: Landscape Character?

Total Number of responses received: 82					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
12	17	15	4	16	18

### Summary of issues raised

The comments provided by respondents to this question reflect a wide range of views, ranging from strong support for a landscape led approach to concerns that the policy is overly restrictive. Of the 82 responses received, only around half provided detailed comments on NE3. While the majority of respondents welcomed the principle of protecting landscape character, they raise differing views about how this should be achieved and the degree of prescription appropriate within a borough facing substantial housing pressures.

Of those who expressed support for NE3 (either strongly agreed or agreed), there was clear support for the approach to landscape character. Key themes included:

- Respondents valued the clear landscape-led approach to shape development from the beginning,
- Strong support for protecting and enhancing local distinctiveness, and the policy's role in ensuring that development responds sensitively to local character.
- Respondents welcomed the emphasis on green infrastructure, ecological networks and native species.
- A small number of respondents raised concerns about the absence of reference to agriculture and heritage within the policy.

Respondents who answered neutral neither supported nor opposed the policy, however only one respondent provided detailed comments and raised that in some instances, local built character may be more relevant than wider landscape character, particularly for small in-fill developments, and that there is a potential disproportionate impact on smaller developments, as the level of detail required may not be suitable for all development scales.

For the relatively small number of respondents who disagreed or strongly disagreed, the majority of these representations were from individuals and related to the impact of specific allocations on landscape, biodiversity, flooding, Green Belt and infrastructure,

rather than policy NE3 specifically. Of the representations on NE3 specifically, the key theme from the responses was:

- Concern about the impact that development and growth will have on the boroughs landscape character, particularly large sites.

For those who did not answer the sentiment question, feedback was predominantly from organisations, who tended to express broad support for a landscape led approach. Other key themes included:

- Respondents expressed a range of views on the detail of the policy, with some including Natural England seeking the strengthening of policy requirements further, where as other respondents felt that the policy was overly onerous and restrictive.
- Support for Landscape and Visual Appraisals (LVIAs) to accompany development proposals.
- A small number of respondents sought clarification on terminology and greater alignment with formal guidance such as GLVIA3.
- Some respondents stressed the importance of assessing cumulative landscape impacts, to address incremental erosion of character.

#### Summary of feedback from Statutory Consultees

- **Kent County Council** - considers that it is important for landscape considerations to include an assessment of the historic aspects of the landscape in TMBC's designation decision-making. The Kent Historic Landscape Characterisation: (HLC) (2001) is an important resource for understanding the landscape of Kent and its development through time. It must be emphasised, however, that the HLC is a strategic, not local, assessment. What is needed is a more detailed assessment of the landscape of TMBC, as has been carried out previously for Tunbridge Wells Borough and the Hoo Peninsula. The County Council would be happy to discuss this further with the Borough Council.
- **Natural England** - Natural England supports the inclusion of this policy, which protects and enhances local landscape character, whilst positively reinforcing local distinctiveness and green infrastructure.  
This policy places strong emphasis on landscape-led development. To ensure this requirement is robust, and that the need for sufficient environmental information is consistently applied throughout the plan (as in NE4.10), consideration should be given to explicitly requiring development proposals of an appropriate scale or sensitivity to be accompanied by a Landscape and Visual Impact Assessment (LVIA). This would ensure that landscape character and visual effects are properly evidenced and inform site layout, design and mitigation.

### Summary of feedback from District / Boroughs

- **Tunbridge Wells Borough Council** - supports the policy and considers the sub criteria set out under Criterion 2 to provide a useful checklist for development proposals in relation to landscape impact.

### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** - agrees with policy NE3. Under policy 3 which states that ‘development proposals will be expected to demonstrate ...’ we would like to replace the word ‘expected’ to ‘must’.
- **Hildenborough Parish Council** - Supporting Policy Text cites that all major development proposals must be supported by a Landscape Appraisal. However, it is considered reasonable for the draft Policy NE3 to require the submission of an LVIA in support of all major applications, particularly given the specific nature of the allocations which encompass land released from the Green Belt.

### Summary of feedback from other organisations

- **Kent Downs National Landscape Unit** - supports this policy.

### Officer response to the consultation feedback

Policy NE3 received a relatively small number of detailed responses but from a range of stakeholders, including residents, parish councils, statutory bodies, developers, land promoters and neighbouring authorities. The comments have provided valuable feedback on the policy. Overall feedback shows strong support for the principle of a landscape-led approach. However, officers acknowledge some concerns raised about clarity, proportionality and alignment with national policy.

Policy NE3 aims to protect and enhance the intrinsic character and quality of the landscape and recognise the intrinsic character and beauty of the countryside in accordance with national policy. Policy NE2 sets out the detailed policy requirements for National Landscapes, and therefore officers do not agree that there is misalignment with national policy. Natural England and the National Landscape Units have not raised any concerns regarding alignment with national policy.

However, a number of refinements will be considered to the policy and/or supporting text to address concerns about clarity and proportionality. This will include:

- a) Providing clearer guidance on the type of landscape assessment required to support development proposals.
- b) Ensuring that cumulative impacts are considered within decision-making.

**Question 29 – Do you agree with NE4: Designated Sites, Irreplaceable Habitat and Priority Habitat and Species?**

Total Number of responses received: 113					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
10	15	14	2	64	8

Summary of issues raised

The comments provided by respondents to this question reflect a range of views with clear distinctions between respondents who support the policy and those who disagree on the basis of implementation, clarity, or perceived inconsistency with site allocations.

Of the respondents, both individuals and organisations, who expressed support for this policy (either strongly agreeing or agreeing), there was overwhelming endorsement for the policy, including from statutory consultees and key stakeholders =. Key themes for those who agreed with the policy included:

- Support for the principle of protecting designated sites, irreplaceable habitats, and priority species.
- Recognition of the importance of protection of irreplaceable habitats such as ancient woodland, and wildlife.
- A number of responses call for the Local Plan to go even further and be more explicit in preventing harm to protected areas.

Respondents who answered neutral generally supported the policy in their detailed comments. A number of responses related to specific proposed allocations, rather than policy NE4. Key themes that were relevant to the question include:

- Some respondents felt that there needed to be stronger protection for irreplaceable habitats.
- Concerns over the incremental loss of biodiversity.
- Several respondents raised concerns about clearance of vegetation in advance of ecological surveys.
- Respondents raised concerns about how this policy can be effectively enforced.

The majority of respondents to this question disagreed or strongly disagreed with this policy. In addition, the majority of responses were objecting to individual site allocations (around Tonbridge), rather than commenting specifically on Policy NE4 specifically. Of those non-site-specific responses, the key themes included:

- Some respondents expressed concern about habitat clearance prior to ecological survey, and how this can be prevented.
- One respondent sought protection for biodiversity beyond designated sites.

- Concern amongst individuals that the policy is not being applied consistently to the site selection process.

For those who did not answer the sentiment question, there was broad support for the policy including from statutory consultees, stakeholder organisations and individuals.

Summary of feedback from Statutory Consultees

- **Natural England** - supports the inclusion of this policy, which strongly aligns with NPPF paragraphs 187, 188, and 192, and ensures that the borough’s most important natural assets are protected and enhanced.

Summary of feedback from District / Boroughs

- No specific comments were received from District/Boroughs on this policy.

Summary of feedback from Parish Councils

- **West Malling Parish Council** – stated they agree with this policy.

Summary of feedback from other organisations

- **Kent Downs National Landscape Unit** - supports this policy.

Officer response to the consultation feedback

A number of respondents provided detailed feedback on Policy NE4. Responses came from residents, statutory bodies, Parish Council’s, environmental groups, and developers. Overall, there was strong support for NE4 from Natural England, the Kent Downs National Landscape Team, and many Parish Councils. There was broad recognition that the policy aligns with the NPPF and provides an essential framework for protecting designated sites and irreplaceable habitats. The majority of individual respondents raised concerns about specific sites, rather than making comments on NE4 specifically.

Officers consider that the policy remains appropriate and is consistent and compliant with the NPPF. However, a number of minor refinements will be considered to the policy and/or supporting text to clarify and strengthen the wording, taking into account responses received.

**Question 30 – Do you agree with NE5: Biodiversity Net Gain?**

Total Number of responses received: 101					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
13	18	16	8	16	30

### Summary of issues raised

The comments made by respondents to NE5 reflect a wide range of views. Over half of the responses were from individuals (62), with the remainder from organisations (39), of which the majority were developers and/or site promoters. Respondents generally supported the principle of BNG and the 10% requirement, as well as expressing a general preference for delivery on-site. However, there was some difference of opinion between developers' responses. Some developers supported the wording of policy NE5 and its alignment with national policy, however others disagreed.

Of those respondents who expressed support (Happy/Satisfied) for the policy, there was general agreement with the aim of securing Biodiversity Net Gain. Key themes raised included:

- Support for 10% BNG as a policy requirement, with many recognising the environmental benefits of securing measurable net gain on development sites, and alignment with national policy.
- Strong preference for on-site BNG delivery, before considering off-site options, with preference for 'nearby' off-site provision, rather than further afield.
- Support for the integration of BNG with wider environmental aims, including green infrastructure, habitat connectivity, and Local Nature Recovery Strategy.
- A small number of respondents suggested seeking more than 10% BNG, to help redress the biodiversity decline.
- Respondents welcomed reference to connections with the Local Nature Recovery Strategy.
- Some supportive respondents raised implementation concerns, such as the need for clarity around enforceability, as well as a need for better monitoring, and ensuring that BNG delivery translates to meaningful ecological outcomes over time.

Of those respondents who selected a neutral response, only a very small number provided any specific comments on NE5, but this included:

- Some limited support for BNG to exceed the 10% statutory minimum to achieve greater benefits for nature.
- Some concern that developers would try and circumvent these requirements.

For those respondents who were dissatisfied or unhappy, the majority generally support the principle of Biodiversity Net Gain. However, some respondents felt the policy was overly prescriptive, whilst others felt that it was ambiguous. Key themes included:

- A small number of respondents expressed support for BNG to exceed the 10% statutory minimum to achieve greater benefits for nature.

- A small number of respondents identified that under national policy, off-site delivery should not be constrained to those areas identified within the LNRS and Green and Blue Infrastructure Strategy, if it is within the same character area.
- Strong support for on-site BNG provision.
- Some concerns about viability and deliverability, particularly where achieving 10% BNG on-site is challenging due to high baseline conditions or development viability constraints.
- A small number of concerns were raised that developers could exploit loopholes, such as pre clearance of habitats before surveys, purchasing off site credits to avoid on site mitigation, or replacing mature habitat with lower value planting.
- There was some lack of clarity around how NE5 and national policy interact, and which aspects of BNG are mandatory and set nationally, and therefore are unable to be varied locally.

Responses from those who did not answer the sentiment question provided the most technical responses, the majority of which were from developers, land promoters and planning consultants. Key themes included:

- Support for BNG in principle.
- Varying views amongst respondents, from those supporting the current wording of NE5, to a small number stating that it does not comply with national policy.
- Concerns about exceeding statutory requirements, particularly around early submission of Biodiversity Gain Plans, sequencing of on-site/off-site delivery and additional evidence burdens.
- Viability concerns, especially where additional local requirements could undermine viability and deliverability of housing and infrastructure.

#### Summary of feedback from Statutory Consultees

- **Natural England** - supports the inclusion of this policy, which aligns with requirements for Biodiversity Net Gain and ensures that it aids local nature recovery priorities.
- **Environment Agency** - Whilst the Environment Act sets out for developers to achieve a minimum 10% net gain, we encourage the local authority to adopt a higher percentage of minimum net gain to be provided as part of planning applications within Policy NE5 and for developers to seek maximum opportunities to achieve net gain. This has been adopted by other neighbouring local authorities and would be considered a positive step towards biodiversity and nature recovery.

The Kent Local Nature Recovery Strategy ‘Making Space for Nature’ has since been published since the draft document was provided and should be included as part of Policy NE5 and BNG.

#### Summary of feedback from District / Boroughs

- **Maidstone Borough Council** - the proposed 10% BNG requirement should be raised to 20% in line with the Maidstone Local Plan Review requirement and Kent Nature Partnership commitment.

#### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** – states that they agree with the policy but have concerns over the wording ‘... aims to leave the natural environment in a measurably better state ...’ Important consideration needs to be given to enforcing and qualifying the stated objectives. They would also like to see an easier method for delivering on-site BNG including a second level of including nearby possibilities before going off-site further afield.

#### Summary of feedback from other organisations

- **High Weald National Landscape Unit** – supports this policy but recommends that specific reference is made in part 5 (c) to the High Weald National Landscape.
- **Kent Downs National Landscape Unit** - supports this policy, however they request that a BNG of 20% is required for development coming forward in the Kent Downs National Landscape in line with Principle BD9 of the Management Plan.

#### Officer response to the consultation feedback

The Regulation 18 consultation generated a number of detailed and technical responses regarding Policy NE5, with representations made by residents, statutory bodies, developers, planning consultants, and land promoters. Overall, the feedback illustrates strong support for the principle of Biodiversity Net Gain, however respondents sought clarification around alignment with national policy, as well as implementation. Although some developers have objected to some of the criteria in the policy, other developers and the statutory consultees have not raised any objection to the policy wording. Similarly, although a small number of respondents have suggested that the policy should be seeking to achieve more than the statutory 10% BNG, others have supported the mandatory 10%. Therefore, officers consider that the policy remains appropriate and balanced and provides a consistent and NPPF compliant framework.

However, a number of refinements will be considered to the policy and/or supporting text to address concerns about application and implementation. This will include:

- a) Providing clarification in the supporting text around national policy requirements to ensure consistency of approach and avoid unnecessary duplication.
- b) Reinforce expectations around monitoring and enforcement.

**Question 31 – Do you think Biodiversity Net Gain should exceed 10%?**

Total Number of responses received: 71			
Yes	Not Sure	No	Not stated
37	15	10	9

Summary of issues raised

As part of the consultation, we asked consultees whether they think we should exceed 10% Biodiversity Net Gain, which is the national policy requirement. The responses to this question reflect a range of views from residents, parish councils, developers, land promoters and other stakeholders. Opinions were split between those who supported going beyond the statutory minimum, those who believed 10% was sufficient, and a significant number who were unsure.

The majority of respondents expressed support for going beyond the statutory 10% Biodiversity Net Gain (BNG). Key reasons included:

- The need to address biodiversity decline.
- A higher target of 20% is supported by Kent County Council and other local authorities.
- Some respondents suggested that large developments should face a higher BNG requirement.

A number of respondents were unsure and did not express support or objection to the mandatory 10%. Key themes included:

- Concerns about the council’s ability to deliver higher rates of BNG due to resource implications.
- Uncertainty whether there is the evidence to support a different percentage.
- Some respondents felt the priority should be given to delivering the statutory 10% properly, before considering a higher target, given the current development pressures.

For those who did not support a higher target, reasons included:

- Some support for encouraging higher BNG, but any additional BNG should be considered on a case-by-case basis and should not be a fixed policy requirement to allow for flexibility.
- Strong concerns that increasing BNG above 10% could impact on site viability and housing delivery.
- Concern that a BNG requirement above 10% may be inconsistent with national policy.
- Developers also challenged the Interim Viability Assessment assumption that 20% BNG has only a modest impact on land values, arguing that this overlooks ecological baseline differences.

For those who did not answer the sentiment question, there was strong opposition to requiring BNG greater than the statutory 10%. Key themes included:

- Inconsistency with national policy to go above the 10%.
- Concern about impact on development viability and deliverability.
- Some respondents raised concerns that increasing BNG above the 10% would likely result in more off-site delivery, or reductions in developable areas.

#### Summary of feedback from Statutory Consultees

- There was no feedback provided by the Statutory Consultees.

#### Summary of feedback from District / Boroughs

- There was no feedback from Districts/Boroughs

#### Summary of feedback from Town and Parish Councils

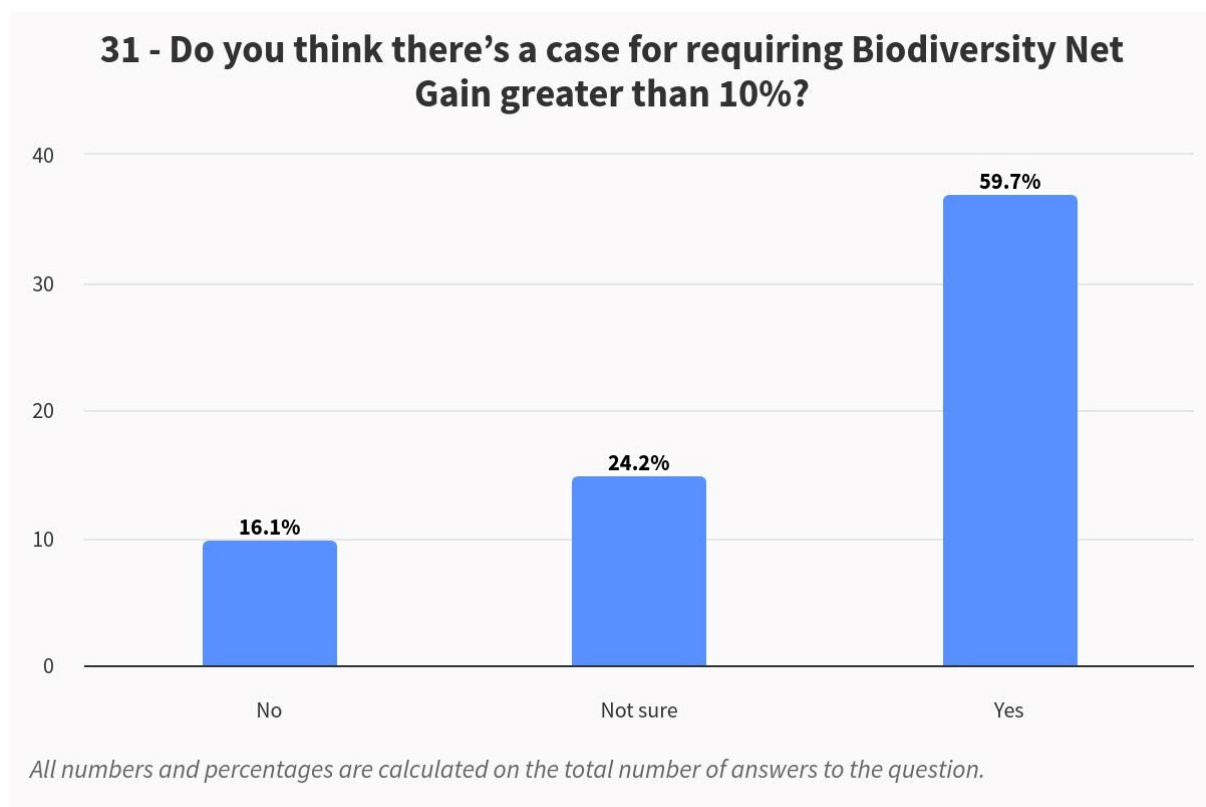
- **West Malling Parish Council** considers that there is a strong case for going beyond 10%. Over many years the overall quality and quantity of biodiversity in our borough, and nationally, has been in serious decline. Any percentage increase for improvement will be beneficial for nature and help redress the balance for the denigrated environment over many years and will help enhance the borough for future generations.

#### Officer response to the consultation feedback

Policy NE5 received a number of representations from residents, parish councils, landowners, developers, environmental groups and statutory consultees. Consultation feedback has highlighted public desire for more ambitious biodiversity protection, alongside equally strong concerns from the development industry regarding deliverability, viability and soundness.

The national statutory requirement for BNG is a minimum 10%. Government guidance is clear that LPAs should not seek a higher percentage unless robust evidence exists

regarding local need, opportunities, and viability. While many consultees expressed support for a more ambitious target, officers must ensure the policy remains legally compliant, deliverable and sound. We are mindful of the draft NPPF (December 2025), which states that Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is for specific site allocations, and is fully justified and deliverable. Policy NE5 as currently drafted provides for a minimum of 10% BNG, which provides flexibility to allow for a higher percentage to be achieved on a case-by-case basis as necessary. Therefore, no changes are proposed to the 10% set out in policy NE5.



**Question 32 – Do you agree with NE6: Green and Blue Infrastructure?**

Total Number of responses received: 76					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
11	8	28	3	10	16

Summary of issues raised

The comments made in response to this question highlight broad support for the principle of protecting and enhancing green and blue infrastructure, particularly from statutory bodies and environmental organisations. However, other responses sought

refinement to address concerns about clarity, duplication, and implementation. Responses were received from parish councils, developers, landowners, and local residents.

Of those respondents who expressed support for this policy (either strongly agreed or agreed), there was broad support for the policies aims. Other key themes included:

- Widespread agreement that green and blue infrastructure is essential to allow for species movement and nature recovery.
- Recognition of the importance of access to natural greenspace for communities for health and well-being purposes.
- A small number of responses sought additional species-specific measures to be incorporated into the policy.

The majority of respondents who answered this question selected a neutral response, however there remained recognition that green and blue infrastructure should be protected. Other key themes included:

- Support for embedding the Local Nature Recovery Strategy within the policy.
- Recognition of the role that access to green and blue infrastructure has for biodiversity, community health and well-being, and quality of life.

For those small number of respondents who disagreed or strongly disagreed with the policy, the majority of the responses related to site specific allocations rather than providing detailed comments on NE6. Other key themes included:

- Concerns about development pressure on existing green and blue infrastructure, and how these areas can be protected from development in the future.
- Some concerns about ensuring the delivery of new infrastructure.

For those who did not answer the sentiment question, they were supportive in principle, including Natural England, but some respondents also sought clarification on the detail and policy refinement. A number of these representations related to site specific allocations, and the impact these may have on existing green and blue infrastructure. Key themes included:

- Concerns from developers that NE6 contains unnecessary duplication with other policies in the plan.
- A small number of respondents sought for major developments to be accompanied by a Green and Blue Infrastructure Plan.
- There was some concern that the policy does not address blue infrastructure sufficiently.

### Summary of feedback from Statutory Consultees

- **Kent Country Council** - ask that TMBC seek to work with KCC's Plan Bee strategic objectives towards the promotion of bees and pollination.
- **Natural England** - supports the inclusion of this policy, which is a strong mechanism for embedding the multi-functional benefits of green infrastructure, including nature recovery, climate resilience, and nature-connectedness, into development.
- **Environment Agency** - are concerned that this policy does not include any reference to the restoration of rivers, wetlands, or other 'blue infrastructure' habitats. They therefore recommend the additional bullet point in the policy "Development in proximity to watercourses should explore and maximise opportunities to restore the natural forms and processes of rivers and streams. River and floodplain restoration creates more habitats for wildlife, promotes natural river-floodplain connectivity, as well as improving amenity value" and additional text in the reasoned justification and policy implementation sections to address these concerns.

### Summary of feedback from District / Boroughs

- **Maidstone Borough Council** – identified that the Local Wildlife Sites (TM57) is in the process of being expanded and this should be reflected on the policies map.

### Summary of feedback from Town and Parish Councils

- **Hildenborough Parish Council** - Policy NE6 should require that proposals for major development must be accompanied by an acceptable Green Blue Infrastructure (GBI) plan for the site in accordance with a Green and Blue Infrastructure Strategy (GBIS) and the Master Plan for the site in accordance with the relevant Area Strategy. This should include stewardship arrangements for not less than 30 years to cover maintenance, management, and funding arrangements.
- **West Malling Parish Council** – Policy NE6 is welcomed, but they would like to see a policy that ensures any 'opportunities' incorporated into developer plans must have ongoing oversight from a TMBC environmental protection / enforcement officer.

### Summary of feedback from other organisations

- **RSPB** - stated that there should be provision in the plans for LNRS Priority Species Swift, to ensure Swift bricks are incorporated into new builds and renovations.
- **Kent Downs National Landscape Unit** - supports this policy.

### Officer response to the consultation feedback

The Regulation 18 consultation invited comments on this policy. A number of representations were received from residents, parish councils, land promoters, statutory bodies and other stakeholders, and broad support has been expressed, with conditions.

Officers consider that Policy NE6 remains an important component of the Local Plan's environmental strategy. However, the feedback received demonstrates an ability to further refine and strengthen the policy. This will include:

- a) Clarifying the approach to blue infrastructure in the policy and supporting text as relevant.
- b) Providing additional links in the supporting text to other relevant strategies and initiatives that support the aims of the policy.

### **Question 33 – Do you agree with Policy NE7: Woodland, Trees and Hedgerows?**

Total Number of responses received: 120					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
13	14	9	4	64	16

### Summary of issues raised

The comments submitted in relation to this question demonstrate a wide range of views from residents, statutory bodies, land promoters, developers and environmental organisations. While there is broad support for the principle of protecting woodland, trees and hedgerows, many respondents also identified areas where the policy could be strengthened, clarified or applied more effectively.

Those who supported the policy welcomed its focus on protecting existing woodland, encouraging tree planting and integrating nature into development design. Other key themes included:

- High value placed on safeguarding existing trees and woodland.
- Several respondents highlighted the role that hedgerows play in forming green corridors to allow movement of wildlife.
- Some concerns raised about securing maintenance and enforcement.

The relatively few respondents who selected a neutral response express overall support for the policy's aims to protect trees, woodland and hedgerows. Key themes included:

- Some respondents highlighted that new planting is very important, but can take years to mature, so should not be a solution to the removal of mature trees as a result of development.

The majority of the respondents to this question strongly disagreed, and were individuals making comments on a specific site allocation in Tonbridge, rather than specifically commenting on NE7. The key theme across many of these responses was:

- Concern about the impact of development on ancient woodland, mature trees and hedgerows.

For those who did not answer the sentiment question, feedback expressed general support for the policy. This included support from statutory consultees, developers and other key stakeholders. Other key themes included:

- Some respondents also identified the need to refine and streamline the policy wording and include some of the detail in the supporting text or validation checklist rather than the policy itself.
- Some respondents sought reference to native planting, or local provenance and from a bio-secure source.
- Some also sought additional references in the policy to other strategies.
- One respondent felt that the policy could be more ambitious and set an Urban Tree Canopy Standard.

#### Summary of feedback from Statutory Consultees

- **Natural England** supports the inclusion of this policy, which ensures development protects and enhances the boroughs woodland, trees, and hedgerows. They advise that this policy ambition provides an opportunity to align with the Urban Tree Canopy Standard. This involves setting an Area-wide standard where Urban Tree Canopy Cover is increased by an agreed percentage based on a locally defined baseline, taking into account local needs, opportunities and constraints. Major residential and commercial development can be designed to meet these targets, alongside incorporating new and existing trees in new developments and ensuring new streets are tree lined (in line NPPF paragraph 136).
- **Kent County Council** welcome TMBC's support of its Plan Tree strategic objectives towards tree planting. The County Council would ask that TMBC considers a policy that makes it incumbent upon developers to undertake native species planting that maximises biodiversity opportunities.

#### Summary of feedback from District / Boroughs

- No detailed feedback was provided by Districts/Boroughs

### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council (WMPC)** was supportive of this policy, especially in relation to hedgerows being given the same importance as trees. WMPC were also pleased that the beneficial effects of having tree lined streets was included and particularly the cooling this brings. Continuing maintenance of any planting is key as there are estimates suggesting 30% - 70% of new trees die within the first few years due to poor maintenance, drought, improper planting (e.g., deep root collars), mower damage, and lack of watering. WMPC enquired, under paragraph 7.90 Policy Implementation, whether hedges could be added to the protection offered?

### Summary of feedback from other organisations

- **Kent Downs National Landscape Unit** - supports this policy subject to an amendment to point 2 of the Policy as currently worded to require that new trees are of local provenance and from bio-secure stock.
- **High Weald National Landscape Unit** - Much of this policy is supported but they advise the wording of part 2 to be expanded to include reference to any new planting in the National Landscapes follow the advice in the respective AONB Management Plans.

### Officer response to the consultation feedback

The Regulation 18 consultation generated a substantial number of representations on Policy NE7 from residents, parish councils, environmental organisations, developers and statutory consultees. These responses have provided valuable insight into the clarity, effectiveness and practical application of the policy.

Officers maintain that Policy NE7 remains appropriate, necessary and aligned with the NPPF. However, in light of the feedback, refinements will be considered to both the supporting text and the policy wording including to:

- a) Clarify links to other relevant strategies.
- b) Explore the option of an Urban Tree Canopy Standard.

### **Question 34 – Do you have any comments on the Council’s local green space site assessment methodology?**

Total Number of responses received: 56		
Yes	No	Blank
12	39	5

**Question 35 – Do you have any comments or wish to submit evidence on the local green spaces that are listed in Annex 3?**

Total Number of responses received: 46		
Yes	No	Blank
11	34	1

**Question 36 – Do you wish to submit a site that has not yet been submitted for consideration?**

Total Number of responses received: 41		
Yes	No	Blank
1	39	1

Summary of issues raised

The comments provided by respondents in response to question 34 included a mixture of support for the principle of Local Green Space designation and some concern about how the methodology has been applied.

Of those respondents who answered Yes to question 34, or left the question blank, none requested a change to the methodology. However, key themes included:

- Strong support for the principle of Local Green Spaces and the desire to protect valued open spaces.
- Respondents expressed broad support for the methodology, but there were some concerns that it could be open to interpretation, with officers applying their own bias.
- There were some calls for the assessments to be carried out by an appropriately qualified and independent professional.
- A statutory consultee highlighted that infrastructure may run below Local Green Spaces, and there will be a need to retain access to allow for essential maintenance.

Of those respondents who answered yes to question 35, or left the answer blank, there was support for the following Local Green Space listed in Annex 3.

Site reference	Site name	Summary of Comment
59525	Land North of Westwood Road, East Peckham	Support for the site.
60106	Banky Meadows, West Malling	Clarification of site boundary. Support for the site.

59807	Land Southwest of West Malling railway station	Postcode does not correlate to this site. Support for the site.
59860	Land at the corner of Lavenders Road and Swan Street, West Malling	Clarification of site boundary. How does this relate to LAA sites 68423 and 58596. Support for the site.
59447	North of Ryarsh Lane and west of Davison Close, West Malling	The site does not meet criterion 5.
LGS30	Land North of the A21 and West of Brindles Field, Tonbridge	Clarification of site boundary. Support for the site.
LGS31	Land surrounding playground, West of Brindles Field, Tonbridge	Clarification of site boundary. Support for the site.
59515	Land Parcel 1, Royal West Kent Avenue, Tonbridge	Support for the site.
59516	Land South of Salisbury Road and North of Rochester Road, Tonbridge	Support for the site.

Of those respondents who responded to question 34-36, there was only one new site that was put forward for consideration as a Local Green Space.

Site reference	Site name	Summary of Comment
58751	Land rear of Henham Gardens, Coult Stream, East Peckham	Support for the site.

#### Summary of feedback from Statutory Consultees

- **Southern Water** – sewer infrastructure runs below some Local Green Spaces candidate sites, and there will be a need to retain access to allow for essential maintenance.

#### Summary of feedback from District / Boroughs

- No feedback was received from Districts/Boroughs.

### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** – supported the methodology. Support for 60610, 59807, 59860 and 59447.
- **East Peckham Parish Council** – support for 59525.
- **West Malling Parish Council** – acknowledged that the methodology appeared reasonable.

### Officer response to the consultation feedback

Question 34-36 of the Regulation 18 consultation provided respondents with an opportunity to comment on the Local Green Space Methodology, provide additional information and identify any further sites for consideration. Responses were received from individual, parish councils, statutory consultees and other stakeholders and the comments have provided valuable feedback.

Officers consider that the Local Green Space methodology provides an appropriate and balanced framework that is consistent and compliant with the NPPF, and no amendments are proposed.

However, any supporting information submitted for sites listed in Annex 3 will be considered by officers, and the new site (58751) will be assessed against the methodology.

### **Question 37 – Do you agree with Policy NE8: Best and Most Versatile Agricultural Land?**

Total Number of responses received: 127					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
7	11	14	6	64	25

### Summary of issues raised

The comments received in response to this question reflect a wide range of views, spanning technical planning concerns from developers and agents, strong protection-focused arguments from residents and parish groups, and targeted observations from statutory bodies. Overall, responses show significant divergence between those seeking to strengthen agricultural protection and those concerned that the policy, as drafted, is overly restrictive and puts at risk the delivery of housing.

Of those respondents who expressed support for the objectives (either strongly agreed or agreed) there was a strong support for the protection of agricultural land. Key themes from these responses included:

- Respondents saw agricultural land as an irreplaceable resource that should not be lost to development without exceptional justification.
- Respondents highlighted the need to safeguard land for food production.
- Several responses emphasised the need for stronger soil protection measures.
- General feedback that agricultural land also provides a green buffer between settlements helping to retain local character and distinctiveness.

The small number of respondents who selected a neutral response to this question expressed strong support for the protection of productive agricultural land. Other key themes included:

- Respondents identified that lower-grade soils can support alternative forms of agriculture, such as viticulture.
- A small number of respondents expressed concerns about the loss of agricultural land to equestrian uses and solar farms.
- Support for agricultural land being safeguarded for food production.

The majority of respondents disagreed or strongly disagreed with this policy, and the majority of these responses relate to site specific objections in relation to land north of Tonbridge and loss of productive agricultural land, rather than commenting specifically on Policy NE8. Key themes included:

- General support for the policy.
- Concern over the cumulative loss of agricultural land over time, and whether the policy adequately addresses these impacts.
- Concern about the loss of agricultural land and the impact on food production.
- Some respondents raised concerns about the inconsistency in considering agricultural land in the site selection process.

For those who did not answer the sentiment question, a major theme raised particularly by developers and planning consultants, was that Policy NE8 is viewed as more restrictive than the National Planning Policy Framework (NPPF). Other key themes included:

- Strong support amongst responses from individuals for the protection of agricultural land.
- Developers expressed concern that the policy risks undermining the ability to deliver the housing requirements as it is insufficiently flexible.
- Some concern from developers over the inclusion of a map showing BMV, as this dataset does not provide clarification around Grade 3 and does not account for updates to the Agricultural Land Classification.

- Some concern that the approach set out in the policy has not been applied to the sites selection process. Clarification sought on whether the policy and its requirements apply to allocations and/or speculative applications.
- Some raised concerns about the cost and feasibility of detailed site-specific soil surveys, and that such a requirement is unduly onerous.
- Support from statutory consultees on the alignment with national policy.
- Some concern from developers that parts of the policy are flexible, and other parts are prohibitive and overly restrictive.

#### Summary of feedback from Statutory Consultees

- **Natural England** supports the inclusion of this policy, which aligns with NPPF paragraph 187b.

#### Summary of feedback from District / Boroughs

- There were no detailed comments provided by the Districts/Boroughs.

#### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** - believes that all agricultural land should have protection and not just those smaller than the 20 hectares suggested. Food production, on even a small scale, is vital for food security and has fewer transport miles which is essential for curbing pollution and taking vehicles off our overcrowded roads.

#### Summary of feedback from other organisations

- **High Weald National Landscape Unit** - recommend that part 5 of policy NE8 is amended to also reference National Landscapes.

#### Officer response to the consultation feedback

Policy NE8 seeks to protect Best and Most Versatile (BMV) agricultural land in line with national planning policy, while ensuring an appropriate balance with development needs of the borough.

A large number of representations were received, both technical and community led. The consultation feedback has been invaluable in identifying areas where Policy NE8 can be improved to ensure clarity, proportionality and consistency with national guidance, while continuing to protect high-quality agricultural land as an important borough asset.

However, a number of refinements will be considered to the policy and/or supporting text to address concerns about clarity and consistency. This will include:

- a) Clarifying wording to ensure consistency with national policy.

- b) Signposting to other relevant strategies where appropriate.
- c) Clarifying the source of data presented on Agricultural Land Grades and acknowledging limitations of the data in the supporting text.

**Question 38 – Do you agree with NE9: Noise, Vibration and Odour?**

Total Number of responses received: 72					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
11	11	16	5	12	17

Summary of issues raised

The comments provided by respondents to this question provided a range of views, from broad support for the principle of controlling noise, vibration and odour, to detailed drafting changes and site-specific concerns, especially where new development is proposed near roads, railways, employment uses and wastewater treatment works.

Of those respondents who expressed support (either strongly agreed or agreed), there was a broad agreement with the policy, noting the need to protect communities. Responses were received from individuals, developers and parish councils. Key themes included:

- Concern about the impacts that noise, vibration and odour pollution have on health and well-being.
- Respondents expressed some concern about existing pollution levels in the borough, with road traffic being repeatedly identified as the main source.
- A small number of respondents sought a strengthening of the policy to include additional uses that require protection.

Of those respondents who answered this question neutrally, no further detailed comments were provided on NE9.

For the small number of respondents who disagreed or strongly disagreed, these responses were predominantly made by individuals, and the prevailing concern was about increased pollution associated with new development, and the majority of these comments related to site specific concerns, rather than the content of NE9 specifically. Key themes included:

- Concerns about pollution associated with proposed development at Hildenborough, Borough Green and Tonbridge.
- Some respondents expressed concerns were also expressed about impacts associated with construction.

- Some respondents shared a distrust of assessments commissioned by developers.

For those who did not answer the sentiment question, there was general support for the policy. Responses were predominantly from developers and statutory consultees. Key themes included:

- Some respondents were concerned that the policy used ambiguous language that would be open to interpretation.
- Several respondents questioned the need to explicitly list receptors (e.g., National Landscapes, designated nature sites, historic environments). Some argued these matters are more suitably addressed under landscape, heritage or ecological policies. Other respondents questioned the omission of Conservation Areas from the receptors list.
- One statutory consultee sought the inclusion of additional wording in the policy to address Wastewater Treatment Works, and that the Agent of Change principle be embedded.

#### Summary of feedback from Statutory Consultees

- **Natural England** - support the inclusion of this policy in relation the protection of National Landscapes and ecological receptors.
- **Southern Water** - request additional wording in this policy, as locating development adjacent or near to an existing WTW, such as housing, could have an unacceptable impact on the amenity of the site's future occupants arising from the WTW's essential operational activities. Such impacts may include odour as well as noise and vibration. We make these requests having noted the number of site allocations proposed within 500m of WTW in this Regulation 18 draft of the Local Plan. We request policy wording to account for planning system requirements on locating development, and the 'agent of change principle' that places responsibilities on the incoming 'agent of change'.

#### Summary of feedback from District / Boroughs

- There were no specific comments from Districts/Boroughs.

#### Summary of feedback from Town and Parish Councils

- **Hadlow Parish Council** - Air Pollution: A26 will be at a standstill due to increased traffic volumes and with engines idling this must lead to an increase in the levels of harmful pollutants.
- **West Malling Parish Council** - agrees with Policy NE9. Noise, vibrations and odour pollution are an insidious and underrated stress and can be very harmful to people's mental health.

### Officer response to the consultation feedback

A number of representations were received on Policy NE9. Responses came from residents, parish councils, land promoters, developers, and statutory consultees. The consultation has provided valuable feedback that will contribute to strengthening the policy and supporting text. Officers consider that the policy remains appropriate and balanced and provides a consistent and NPPF compliant approach.

However, a number of refinements will be considered to the policy and/or supporting text to address concerns about clarity and interpretation. This will include:

- Clarifying the approach to Agent of Change.
- Including reference to Wastewater Treatment Works.

### **Question 39 – Do you agree with NE10: Air Quality?**

Total Number of responses received: 112					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
10	9	14	5	60	14

### Summary of issues raised

The comments provided by respondents to this question reflect a wide range of views on Policy NE10, with significant volumes of feedback from residents, parish councils, developers, and planning agents. The majority of responses highlight substantial concern about the relationship between air quality policy and proposed development sites, particularly site TO1.

Of those respondents who expressed support for the objectives (either strongly agreed or agreed) there was overall support for the policy and recognition of the importance of addressing issues of air quality. Key themes from these responses included:

- A general agreement with the direction of the policy.
- Respondents consistently identified that traffic congestion was the key cause of air pollution.
- There was concern about the potential cumulative air quality impacts of development.

For those respondents who selected a neutral answer to this question, there was general support for the policy, but a number of matters were also raised including:

- Some concern around whether the policy is sufficient to address the scale of the air quality issue.

- There was strong consensus that additional development would increase emissions and pollution.
- Respondents consistently identify road congestion as a major contributor to poor air quality and raised limitations in public transport to offer a viable alternative to using a private car.

The respondents who disagreed or strongly disagreed mainly provided site-specific comments relating to site TO1, with particular concerns about increased traffic from the proposed development and the resulting impacts on local air quality.

For those who did not answer the sentiment question, feedback expressed broad support for the policy. Key themes included:

- There was concern amongst some developers that the policy is too onerous as it sought to improve air quality, rather than avoid making pollution worse.
- There was concern from the development sector that the thresholds for when an Emissions Mitigation Assessment is unclear and too low.
- Some respondents felt that the policy was overly long and duplicated national policy.

#### Summary of feedback from Statutory Consultees

- **Natural England** support the policy.

#### Summary of feedback from District / Boroughs

- No detailed comments were provided by Districts/Boroughs.

#### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** agrees with Policy NE10. Air quality needs to be monitored regularly and speed restrictions from 70mph to 50mph on the M20 should be reduced if necessary to assist.
- **Ditton Parish Council** suggest development proposals should seek to improve air quality and reduce the effects of poor air quality by minimising exposure to air pollution and assist in facilitating compliance with relevant limit values.

#### Officer response to the consultation feedback

The Regulation 18 consultation has provided valuable feedback on Policy NE10. Respondents across all groups acknowledged the importance of addressing air quality through the Local Plan, though views varied significantly about how this should be achieved. Officers recognise the strong public concerns regarding air quality impacts associated with proposed developments, and also acknowledge the technical concerns raised by developers regarding policy clarity and proportionality. Officers consider that

the policy remains appropriate and balanced and provides a consistent and NPPF compliant framework.

A number of minor refinements may be considered to the supporting text to address concerns about clarity. This may include:

- a) clearer guidance on the threshold for Emissions Mitigation Assessments.

**Question 40 – Do you agree with Policy NE11: Ground Contamination?**

Total Number of responses received: 50					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
10	10	19	3	5	3

Summary of issues raised

The comments provided by respondents to this question reflect a range of views, but with strong support for the principle of managing risk from ground contamination. Although 50 representations were received in total, the majority of respondents selected a sentiment response only, and did not provide further detailed comments.

A significant number of respondents, including site promoters, residents and parish councils expressed support for the overarching principles of NE11 and its aims to ensure contamination is appropriately assessed and remediated. Many recognise the importance of ensuring safe development, particularly on previously developed or minerals extraction sites. Key themes included:

- Several respondents identified the importance of ongoing monitoring of ground conditions.
- Strong support for the protection of groundwater resources from contamination.
- Support for the need for robust assessment and remediation.

Of the respondents who selected a neutral response to this question, only one provided detailed comments on NE11 and raised that it is important for public health that continuation is cleaned up, and that contamination should not prevent brownfield sites from being developed.

For those who disagreed or strongly disagreed, only a very small number of individuals provided detailed comments, but these related to potential contamination in specific locations in the borough associated with historic landfill.

For those who did not answer the sentiment question, feedback tended to support the policy, but with some technical additions proposed by a statutory consultee.

### Summary of feedback from Statutory Consultees

- **Environment Agency (EA)** note policy 'NE11: Ground Contamination' and accept its wording is broadly in agreement with standard land contamination conditions and note and welcome the inclusion of various links to appropriate guidance within sections 7.155 and 7.156. The EA also highlight that the term 'Contaminated Land' has a legal definition, and should not be used interchangeably with 'land contamination, land affected by contamination', 'ground contamination' etc, and that all those phrases have currently been used in the 'ground contamination' section. The EA suggest an addition, and suggest that the policy could include for the verification of works, as such steps are required by existing guidance including the EA's 'Land Contamination Risk Management'. Specific mention of groundwater as a receptor would also be welcomed, noting that 'controlled waters' are already noted in part 2 of the proposed policy. The EA also note that the text on page 172 (section 7.154) has listed three stages but has missed verification of remedial works. This step is crucial for ensuring that any proposed and agreed remedial works have been undertaken and completed as agreed, or that deviations from agreed works is documented and either approved or rejected (i.e. that further works may still be required to meet remedial objectives). Currently 'stage 3' of the text states that a 'remediation report' is required, but this should be amended to a 'verification report'.

### Summary of feedback from District / Boroughs

- No comments have been made by Districts/Boroughs

### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** agrees with Policy NE11.

### Officer response to the consultation feedback

The Regulation 18 consultation invited comments on Policy NE11. A relatively small number of detailed representations were received. Consultation responses on Policy NE11 indicate broad support for the principle of managing risks from ground contamination, alongside requests for greater clarity. The comments have provided valuable feedback. Officers consider that the policy remains appropriate and balanced and provides a consistent and NPPF compliant framework.

However, a number of minor refinements will be considered to the supporting text and/or policy to address technical comments made by a statutory consultee, to ensure greater clarity and effective application and implementation.

#### Question 41 – Do you agree with Policy NE12: Light Pollution?

Total Number of responses received: 59					
Strongly agree	Agree	Neutral	Disagree	Strongly Disagree	Not stated
8	11	19	6	7	8

#### Summary of issues raised

The comments provided by respondents to this question reflect a range of views on Policy NE12, demonstrating both strong support for the principle of managing light pollution and several detailed suggestions for strengthening the policy wording. Respondents included residents, parish councils, statutory bodies, environmental groups, and National Landscape Units.

Of those respondents who expressed support for the policy (either strongly agreed or agreed) there was broad consensus for the principle of managing and reducing light pollution, including from parish councils and National Landscape Units. Key themes included:

- Respondents raised concerns about increasing light pollution in rural areas from settlements and major roads.
- There was strong support for improved lighting design and regulation to reduce light pollution.
- There was support for enhanced protection from intrusive lighting for National Landscapes and their settings.
- Many respondents highlighted the adverse effects of artificial lighting on wildlife.
- Some respondents suggested locating development away from sensitive areas to minimise impacts.

Of the respondents who selected a neutral answer to this question, only a few provided detailed comments. These expressed broad support for the policy but highlighted that light pollution does not just come from housing developments, but infrastructure too.

For those who disagreed or strongly disagreed, respondents overwhelmingly support stronger local policy to reduce light pollution, protect dark skies, and safeguard ecological and landscape assets. However, they also emphasise that lighting has essential roles in safety and accessibility. Other key themes included:

- Concern about an increase in light pollution associated with new developments, particularly large sites.
- Respondents were concerned about the effect of lighting on wildlife, protected landscapes and their setting.

- Respondents support the principle of reducing light pollution across the borough.

For those who did not answer the sentiment question, responses show general support for Policy NE12 and its emphasis on reducing light pollution, protecting dark skies, and safeguarding National Landscapes. Other key themes included:

- Concern about the cumulative impact of lighting, on wildlife, landscape character and local amenity.
- Several responses argue that the policy should not limit dark sky protection to designated landscapes but be widened to cover other rural areas.
- Concern about the impact of additional lighting being added after the development is completed.

#### Summary of feedback from Statutory Consultees

- **Natural England** support the inclusion of this policy in relation to the protection of National Landscapes and ecological receptors.

#### Summary of feedback from District / Boroughs

- No detailed comments were provided by the Districts / Boroughs.

#### Summary of feedback from Town and Parish Councils

- **East Malling and Larkfield Parish Council** welcomed the policy but would prefer to see dark skies promoted in rural locations generally, not just within the National Landscapes.
- **West Malling Parish Council (WMPC)** agrees with Policy NE12 for reasons that light pollution is harmful to both nature and to people's health. WMPC also consider it important to safeguard against additional lighting being added after the completion of a development.

#### Summary of feedback from other organisations

- **High Weald National Landscape Unit** - welcome this policy.
- **Kent Downs National Landscape Unit** – supports this policy.

#### Officer response to the consultation feedback

The comments provided in response to Policy NE12 demonstrate strong public and stakeholder support for the aims of Policy NE12, and a desire to see light pollution managed appropriately. The comments have provided valuable feedback. Officers consider that the policy remains appropriate and balanced and provides a consistent and NPPF compliant framework. As a result of the support demonstrated, officers are not proposing any amendments to the policy or the supporting text.

## Question 42 – Is there anything missing from the Natural Environment Policies?

Total Number of responses received: 53			
Yes	Not Sure	No	Not stated
17	19	11	6

### Summary of issues raised

The comments provided by respondents to this question reflect a range of views on the Natural Environment chapter and identified where respondents considered there was something missing. Responses were received from statutory consultees, parish councils, residents and a small number of developers.

Of those respondents who identified that there were omissions from the chapter, comments were broadly strategic in nature. Key themes included:

- A desire to see a strengthening of protections of wildlife, habitats and species, with particular reference to urban environments and the need to embed species specific mitigation measures in to development.
- Some respondents expressed concern over the impacts of the growth strategy on the natural environment, and in combination with climate related environmental pressures.
- Respondents highlighted the value of the natural environment, and that development on brownfield land should be prioritised.
- A small number of respondents identified that reference should be included to species-specific mitigation measures in new developments.

Those respondents who were unsure about whether there was anything missing from the chapter, were broadly supportive of the approach to protecting and enhancing the natural environment and did not raise any specific topic areas as being missing from the chapter.

Eleven respondents identified that there was nothing missing from the chapter.

For those who did not answer the sentiment question, a statutory consultee identified that the protection of groundwater and water quality was missing from the chapter and should be embedded in the Local Plan.

### Summary of feedback from Statutory Consultees

- **Environment Agency (EA)** consider that the Local Plan lacks any reference to groundwater or a policy to protect water quality. The Environment Agency recommends identifying sensitive groundwater areas (including Source Protection Zones and Safeguard Zones) and setting out clear policy approaches, including cross-boundary work with the EA, neighbouring authorities, and water

companies. Because activities are restricted in these zones, groundwater protection should be included, preferably through a standalone policy. The EA also consider that groundwater and wider water-quality issues should also be assessed when allocating sites, many of which lie in vulnerable areas on aquifers or within protection zones. The Plan also omits requirements to protect rivers, estuaries and blue-green infrastructure, and does not ensure development avoids deterioration of the water environment or its ecological functions.

#### Summary of feedback from District / Boroughs

- **Maidstone Borough Council** would like to see reference to protection of urban wildlife habitats and habitat enhancement design features such as swift boxes and bat bricks etc as per National Planning Policy Framework (2024) paragraph 187(d), the National Model Design Guide and Natural England's Green Infrastructure Framework.

#### Summary of feedback from Town and Parish Councils

- **West Malling Parish Council** have shared concern about the implementation of the policies in this chapter of the plan.

#### Officer response to the consultation feedback

Question 42 of the Regulation 18 consultation provided respondents with an opportunity to identify if they considered that anything was missing from the Natural Environment chapter. A number of representations were received from a range of stakeholders, and the comments have provided valuable feedback.

Officers consider that the chapter provides an appropriate and balanced framework that is consistent and compliant with the NPPF.

However, a number of refinements will be made to policy and the supporting text to address the following:

- Consider how water and groundwater quality protection can be best embedded in the Local Plan.
- Consider strengthening the wording of the supporting text to NE6 to include reference to examples of species-specific mitigation measures such as swift and bat bricks.

**Question 43 Overall how satisfied are you with the Natural Environment policies?**

This question asked on a scale of 1-5 how satisfied people are with the Natural Environment policies. 105 responses were received to this question. Most answered that they were not satisfied with the policies. Proposed amendments to individual policies and supporting text have been set out under respective question responses.

