



Benenden NDP,  
Planning Policy,  
Planning Services,  
Tunbridge Wells Borough Council,  
Royal Tunbridge Wells,  
Kent TN1 1RS

**BY EMAIL ONLY**

**Environment, Planning and Enforcement**

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11 December 2020

Dear Sir/Madam,

**Re: Benenden Parish Neighbourhood Development Plan 2020-2036**

Thank you for consulting Kent County Council (KCC) on the Benenden Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

**Introducing Benenden Neighbourhood Development Plan**

*The Historic Context of Benenden Parish*

Heritage Conservation: The introduction to the Neighbourhood Plan describes in detail the extent and importance of Benenden's heritage and the role it has played in shaping the Parish. The County Council therefore recommends that the Neighbourhood Plan should include policies for conserving and enhancing this heritage. The Neighbourhood Plan provides an opportunity for the Parish Council to describe how Benenden's heritage can contribute to achieving the Vision for the area. This could be by helping to integrate new development into the existing area, by ensuring that new build contributes to existing historic character and by emphasising the role of the historic environment as a contributor to the 'historic beauty' that the plan wants to preserve. Heritage also has a significant role to play in the health and well-being of residents and visitors.

The role of the historic environment is at best indirectly mentioned in some of the draft policies, but unless there is a specific historic environment policy, it will be easy for the historic character to be eroded as its needs are disregarded in favour of other issues for which formal policies have been developed.

The text mentions the Roman roads that cross Benenden and the settlement at Hemsted, but there are numerous other Roman sites in the parish. These include a paved Roman ford near Stream Farm and iron working sites at Spring Wood, Benenden School and Flight Wood. The Benenden school site may have also comprised a small roadside settlement

## **Chapter 1 Landscape and the Environment**

### *The policies – Landscape*

**Heritage Conservation:** The text rightly notes the historic nature of the landscape and some of its components in the form of field boundaries, footpaths and routeways. The County Council recommends reference to the Historic Landscape Characterisation (HLC) for Tunbridge Wells Borough that was developed by the Borough Council in 2017<sup>1</sup>. The HLC examined the Borough's landscape in detail and is an important tool for helping developers and planners assess the impact of their proposals. An assessment of their proposals against the HLC should be a requirement for preparing development proposals in rural areas.

The text does not specifically mention development within farmsteads, but it is likely that development proposals of this type will come forward. It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, KCC and Kent's AONB teams have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character<sup>2</sup>.

### *Policy LE1 Protect and Enhance the Countryside*

**Biodiversity:** The phrase "where possible" should be removed from the last section of the policy, as mandatory biodiversity net-gain is already required by national planning policy and developers will soon be required to demonstrate *measurable* net-gain. As such, ecological enhancement must be included in all developments.

**Sport and Recreation:** The County Council recommends consideration of Government and Sport England strategies for sport, which are focussed on tackling inactivity and supporting under-represented groups to be active. The County Council would also recommend consideration is given to Sport England planning guidance and local data around activity<sup>3</sup>.

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<sup>1</sup> <https://beta.tunbridgewells.gov.uk/local-plan/evidence/resources/environment-and-landscape/historic-landscape-characterisation-2017>

<sup>2</sup> <http://www.highweald.org/look-after/buildings/farmsteads-and-hamlets.html>

<sup>3</sup> <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>  
<https://www.sportengland.org/facilities-planning/active-design/>

Whilst it seems there is adequate provision for sport and recreation - the County Council recommends further consideration as to how the Neighbourhood Plan can support connections between community facilities - limiting car usage where possible.

The County Council would also draw attention to Sport England surveys: “Active Lives Adult”, which is published twice a year (and replaced the “Active People” Survey) and the “Active Lives Children and Young People”, published annually. Both surveys provide a unique and comprehensive view of how people are getting active, and can be focused at local authority level. The latest adult report is available<sup>4</sup> and data can be explored and filtered<sup>5</sup>. A summary of the “Active Lives Children and Young People” report is also available<sup>6</sup>.

The latest figures indicate that inactivity significantly impacts on an individual’s physical and mental health, as well as social and community development. Therefore, the Neighbourhood Plan should seek to ensure the provision of a mix of formal and informal areas/spaces (indoor and out) where people can be active, including walking and cycling routes, open spaces and water based activity, as appropriate.

Public Rights of Way (PRoW): The Neighbourhood Plan’s use of the wording ‘Public Rights of Way’ instead of ‘Footpaths’ is welcomed, as this would encompass the different classifications of PRoW.

#### *Policy LE4 Public Rights of Way (PRoW)*

PRoW: KCC welcomes the fact that the Parish Council has addressed KCC’s previous comments and included a specific PRoW policy within the revised Neighbourhood Plan. The inclusion of a PRoW Policy is strongly supported. The reference to the Rights of Way Improvement Plan within the supporting text is also welcomed. As a minor comment, KCC requests that policy text is revised to help protect and improve the PRoW network. Suggested wording is:

*“New development must preserve existing PRoW, rerouted where appropriate. Where new housing or commercial development affects an existing PRoW, it must be preserved, enhanced and maintained. New PRoW should be created, where appropriate, to increase connectivity for non-motorised users. Funding to be provided by CIL/Section 106 contributions. Planning applications that would adversely affect the existing PRoW network will not be permitted.”*

Within the supporting text for this PRoW section, it is requested that additional text is inserted into the plan, stipulating that:

*“applicants for new developments should engage with the KCC PROW and Access Service at the earliest opportunity. This would allow the County Council to review proposals for access improvements and consider appropriate developer contributions for PRoW network*

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<sup>4</sup> <https://www.sportengland.org/activelivesapr20>

<sup>5</sup> [Active Lives Online tool](#)

<sup>6</sup> <https://www.sportengland.org/news/active-lives-children-and-young-people-survey-academic-year-201819-report-published>

*enhancements, which would ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys. Planning applications should also highlight existing PRow on their plans, showing how paths will be positively accommodated within new development sites”.*

#### Policy LE5 Trees, Woodland and Hedgerow

Biodiversity: The first part of this policy compliments the ‘mitigation hierarchy’ (British Standard 42020), which obliges developers to maintain habitats on-site. However, KCC recommends that the mitigation hierarchy is specifically referenced.

Hedgerows are vital in limiting habitat fragmentation and, as such, KCC recommends that ‘habitat/ecological connectivity’ should be incorporated into this policy. Ideally, there should be no artificial barrier/a break in continuous vegetated areas. Ensuring ‘green corridors’ are included compliments other policies within this plan, such as policy LE7.

#### *Policy LE6 Ecological and Arboricultural Site Surveys*

Biodiversity: The County Council is generally supportive of this policy – however would raise a query regarding the last sentence. With the impending mandatory *measurable* biodiversity net-gain, habitat creation in *addition* to habitat retention is likely to be major feature of large developments going forward. For example, encouraging developers to create wildflower meadow grassland (unlikely to be present in the first place as this is a rare habitat) will be vital in restoring biodiversity and, therefore, improving ecosystem services (agricultural output in this case).

#### *Policy LE7 Protection of Habitats Adjacent to Development / Policy LE8 On-going Environmental Maintenance*

Biodiversity: The County Council supports these two policies. It is useful to reference Local Wildlife Sites, which have been listed within the plan, as well as Ancient Woodland.

#### *Policy LE9 Features to Encourage Wildlife.*

Biodiversity: Ideally, a development’s landscaping should include *native* species only, to provide habitat opportunity for invertebrates, which are the faunal basis for all ecosystems. Non-native plants rarely support invertebrate communities. Implementing native species-only landscaping (especially native wildflower meadow) is the most significant measure a developer can take to enhance biodiversity. Therefore, KCC is supportive of this policy, which specifically references the inclusion of *native* species and wildflowers.

However, KCC highlights that with mandatory biodiversity net-gain expected to be embedded in legislation, developers will have to *measurably* enhance biodiversity. As such, KCC advises that the policy wording be strengthened to reflect this, with an example being: *“Development proposals resulting in a negative impact on biodiversity will not be supported*

*unless clear biodiversity gains can be demonstrated. Biodiversity net gain should be determined by applying the Defra's Biodiversity Metric 2.0 calculator."*

**Minerals and waste:** The County Council, as Minerals and Waste Planning Authority, recommends reference to minerals (land-won) and minerals/waste infrastructure safeguarding as set out by the policies (CSM 5, CSM 7 and CSW 16) of the adopted (and recently partially reviewed) Kent Minerals and Waste Local Plan 2013-30. This is an omission, as the area has the following safeguarded land-won minerals:

Superficial deposits - Sub-Alluvial River Terrace (sands and gravels)

Crustal deposits - Sandstone Tunbridge Wells Sand Formation and Ashdown Formation (sandstone)

There is no safeguarded waste management infrastructure within the Neighbourhood Plan area.

The 'Housing Supply and Trajectory Topic Paper for Draft Local Plan-Regulation 18 Consultation, 29 May 2020' that supports the Tunbridge Wells Borough Council's draft Local Plan 2019 suggests that the four proposed allocations in the Neighbourhood Plan are in addition to those listed in this supporting document to the draft Local Plan.

Two sites (LS16 and 277) are not coincident with any of the above safeguarded minerals detailed in the Plan area. Proposed sites LS41 and 424/LS40b are coincident with the sandstone-Tunbridge Wells Sand Formation. The Neighbourhood Plan must consider the safeguarding implications of these minerals for these proposed sites and a Minerals Assessment for these proposed sites will be required. If these sites are to be considered by the Local Plan, it could be reasonable to assume this mineral safeguarding matter is to be deferred to the Local Plan. However, the supporting evidence from the Neighbourhood Plan appears to demonstrate that this is not the case.

The mineral in question is a massive crustal unit that occurs very significantly over the entire Tunbridge Wells Borough area. The County Council's Kent Minerals and Waste Local Plan - Safeguarding Supplementary Planning Document, which is currently being revised, provides detail on this mineral which has been used as a local building stone in the past<sup>7</sup>.

The County Council acknowledges that proposed sites LS41 and 424/LS40b are likely to have little to no impact on the possible future supply of this mineral in Kent. However, for completeness, the Neighbourhood Plan should identify this constraint and provide necessary evidence that an exemption from the presumption to safeguard is justified (using the appropriate exemption criteria of Policy DM 7: Safeguarding Mineral Resources of the KMWLP 2013-30).

### **Chapter 3 Design and the Built Environment**

#### *Policy BD2 General Appearance*

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<sup>7</sup> <https://kccconsultations.inconsult.uk/consult.ti/MineralsandWasteSPD/consultationHome>

Heritage Conservation: The draft policy states that materials should be used that are similar in appearance to those used in Beneden's historic buildings. The County Council is generally supportive of this requirement but would note that this may be dependent on such materials being available in the form of building stone, tiles etc. KCC would recommend that a further text should be added to state that development proposals will not be accepted that lead to the destruction of natural resources needed as traditional building materials.

## **Chapter 5 Transport and Infrastructure**

### *Policy T2 Improving road safety and the impact of traffic*

PRoW: It is noted that this policy has been strengthened following previous KCC commentary, requesting that developers submit traffic impact studies in support of their applications and contribute towards mitigation measures where negative impacts on Non-Motorised Users (NMU) are identified. This revised text is welcomed.

### *Policy T4 Renewable Energy and Low-emission Technology*

Sustainable Business and Communities: The County Council welcomes consideration of climate change within the Neighbourhood Plan and the need for renewable energy and low emissions technology.

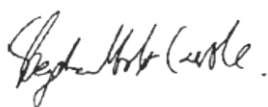
The Energy and Low Emissions Strategy (ELES) outlines Kent and Medway's ambition to reduce greenhouse gas emissions to net-zero emissions by 2050. Taking an evidence based approach, it identifies a pathway to reduce greenhouse gas emissions, eliminate poor air quality, reduce fuel poverty, and promote the development of an affordable, clean and secure energy supply for this county. The County Council encourages the inclusion of the ELES within the Neighbourhood Plan.

The County Council recommends reference to the KCC target of net-zero greenhouse gas emissions by 2050 as set out in the ELES. The Neighbourhood Plan should seek to commit to this target.

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KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours faithfully,



**Stephanie Holt-Castle**

Interim Director – Environment, Planning and Enforcement