Dear Ian,

Re: Tonbridge and Malling Borough Council - Local Plan Post Submission Consultation

Thank you for inviting Kent County Council (KCC) to comment on the Tonbridge and Malling Borough Council Local Plan Post Submission Consultation.

The County Council notes that the purpose of this consultation relates to the additional material published since the Plan was submitted to the Secretary of State on 23rd January 2019, in respect of soundness, legal compliance and the Duty to Cooperate.

The County Council has reviewed the relevant consultation documents and commented below. For clarification, this letter does not repeat comments made within the County Council’s Regulation 19 consultation response (dated 10 November 2018).

**Landscape and Visual Impact Appraisal (ED3/ED3A-E)**

The Public Rights of Way (PRoW) network is a valuable asset to Kent, providing significant opportunity for outdoor recreation and active travel as well as other economic and quality of life benefits for communities. As such, the County Council welcomes the inclusion of reference to the PRoW network and the recognition that assessment is required on the impact of development on the network.

Any new development in the borough should take into account the wide ranging potential effects on the PRoW network and its users (including air quality, drainage, gradient, noise and visual impact). Through appropriate planning and mitigation, any negative impacts on the PRoW network can be identified and addressed.
Supporting Maps and Plans – Annotated Ordnance Survey (ED3A)

The County Council welcomes the inclusion of the clearly identified PRoW network on the maps, and would recommend that consideration is also given to the Definitive Map 2013 to show the exact alignment of PRoW routes in the borough.

A20 Corridor (ED4)

The County Council would like to ensure the Borough Council has consideration that development of the PRoW network can further reduce car travel use, encourage low carbon active travel and provide opportunities for recreation and commuting.

Habitats Regulation Assessment Revision C (ED6)

Chapter 4 – Pathways of Impact – Disturbance (4.3)

Any increased use of the PRoW network resulting from development should be assessed and mitigated. The County Council would request that reference is made to the Kent Rights of Way Improvement Plan¹ (ROWIP) and the Kent Design Guide when considering improvements to the PRoW network, which will also help ensure that it remains safe, attractive to users and well managed. The County Council would welcome engagement with the Borough Council to ensure the benefits of the PRoW network are considered early in the development process.

Chapter 7 - Appropriate Assessment (7.2)

The Borough Council should seek to ensure that local green spaces remain accessible and well used. Developer contribution funding and proposed mitigation will be important in ensuring that necessary improvements and appropriate management regimes are in place.

Sustainability Appraisal (ED13)

The County Council welcomes the inclusion of walking and cycling as viable and attractive alternatives modes of travel, offering opportunities for low carbon recreational activity and active travel. Active travel patterns and the encouragement of modal shift should be a focus of sustainable development, with improvements to the PRoW network further boosting the potential of sustainable links to community facilities.

Regulation 19 stage: main issues and the Council’s responses (ED25)

Highways and Transportation

The comments raised by the County Council as Local Highway Authority in its response to the Regulation 19 consultation remain valid. The County Council will continue to positively engage with the Borough Council as this Local Plan progresses through examination.

Heritage Conservation

The County Council provided considerable commentary in response to the Regulation 19 consultation in respect of heritage conservation matters. The Borough Council’s response to the County Council’s Regulation 19 response does not take full account of the matters raised

and the Local Plan does not contain a strategy for the historic environment. Therefore, the heritage conservation matters raised in the County Council’s Regulation 19 consultation response remain valid.

The County Council would recommend that the Borough Council continues to engage with KCC’s Heritage Conservation Service on heritage conservation matters to ensure they are appropriately considered within the Local Plan.

Waste Management

The County Council as Waste Disposal Authority welcomes the recognition of the likely increases in demand on the waste network generated by development in the Borough. The County Council would like to continue to engage with the Borough Council on waste management matters.

Proposed Changes to the Proposals Map (updated OS base map) Vol 1 (28.6.19) (ED22A)

The County Council as Minerals and Waste Planning Authority seeks to ensure that any minerals and waste planning considerations are addressed in the Local Plan. It is noted that reference is made to the Kent Minerals and Waste Local Plan Mineral Safeguarding Area Maps within the Proposed Changes to the Proposals Map.

The proposed allocated strategic site, Borough Green Gardens, affects a number of safeguarded mineral and waste capacity resources in the County. These are particularly important in strategic planning terms and are crucial in maintaining the aggregate landbank required by the National Planning Policy Framework (NPPF) and the Kent Mineral and Waste Local Plan. The emerging allocation also affects important silica sand resources which are of national significance. Therefore, the County Council’s comments on the Regulation 19 consultation remain valid.

The County Council would welcome further engagement with the Borough Council to ensure respective positions regarding safeguarded minerals as well as minerals and waste facilities matters are adequately taken account of in the Local Plan.

The County Council recognises the role and importance of the emerging Local Plan in guiding and managing sustainable development in the borough up to 2031. The County Council will continue to work closely with the Borough Council to ensure the delivery of new housing, employment and required infrastructure and services across the Plan period.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely,

Barbara Cooper
Corporate Director – Growth, Environment and Transport