

Issues and Questions for Stage 2

Preliminary Statement

1. The Local Plan (LP) provides analysis and evidence-supported allocations for almost all areas of the borough except for the parish of Benenden. The Benenden section of the local plan consists entirely of the ‘made’ Benenden Neighbourhood Plan (BNP) which is not the result of TWBC-produced evidence and analysis. Benenden’s initial allocations were made without consultation with stakeholders.
2. The BNP is a controversial Neighbourhood Plan (NP) placing most new housing away from the village and its hamlet, and siting it instead in a rural area of only 76 households at the parish boundary, an area known as the East End. In the referendum, almost 20% opposed the BNP, as compared to only 7% opposing the Goudhurst NP, held the same day. The BNP was, we believe, the only NP in TWBC not to be carried unanimously at the Full Council meeting at which the plan was ‘made’. Eight councillors from all the main parties abstained. It is a controversial plan.
3. BNP site allocations were first published in 2019 and distributed to villagers on Feb 23rd at the close of a public meeting in the village hall. This draft is no longer available on-line in full and, to the best of our knowledge, can only be accessed in its hard copy form. The truncated, on-line version can be found at <http://www.benendenneighbourhoodplan.org/downloads/Introduction.pdf>
Your Programme Co-ordinator has a hard copy edition of the Feb 2019 draft. The online version includes only the first 9 pages of the original text so that all references to site allocations and housing numbers are missing.
4. Those original Feb 2019 allocations and numbers are virtually identical to those now in the ‘made’ BNP.
 - (i) **Allocations in the BNP, February 2019** (the pages of this draft are not numbered but under “Section 2. Housing Supply and Site Allocation”, 15 pages on from the title, you find):
 - Hospital site (south) East End 25 (+pp24)
 - Hospital site (north) East End 20 (+existing 18)
 - Feoffee site (Walkhurst Road) 22-25
 - Uphill site New Pond Road 15-20
 - (ii) **Allocations in the ‘Made’ BNP, 2022**
 - SSP1 Feoffee 23 -25 units
 - SSP2 Uphill 18-20 units
 - SSP3 Hospital south - up to 25 units
 - SSP4 hospital north - 22 - 25 units.
5. Since the BNP did not publish the views of stakeholders in full or, to the best of our knowledge, list those who had been consulted, it is difficult to ascertain whose views were sought and when. We do know that the Strategic Environmental Analysis (SEA) was published after allocations because it came out in August 2019. It is also likely that there was no consultation with Heritage England because they ask (in comments on the Local Plan DLP_4556) for a “robust and detailed heritage impact assessment prior to the allocations being adopted” and this comment came after the Feb 2019 allocations. We also know that Natural England (NE) was unaware of the threat to LWS at the hospital and that the High Weald AONB was consulted after the Feb 2019 allocations.
6. Some stakeholders were consulted on limited elements of the plan only, for example

the HW-AONB was asked to comment only on sites within the AONB, not on the hospital site, which forms a bubble pushing into the AONB and to which the HW-AONB (as we can tell from its comments nos. DLP_3462 and DLP_3458 on the draft LP) objected. This site, three miles distant from the village, is an isolated former sanatorium for infectious disease. The AONB boundary, drawn after the sanatorium's establishment, dodged south to go round the buildings and then looped back northwards to return to its original, logical course. The site is clearly within the setting of the AONB.

Examples of failure to consult:

- Historic England, in its comments on the draft local plan, asks for surveys to be carried out *before allocation*. This has not been done.
- The BNP group was aware of the four Local Wildlife Sites at the hospital development site, but apparently failed to consult Natural England (NE) about them. It *may* (after allocation) have consulted the Kent Wildlife Trust (KWT) in which case it should be born in mind that the KWT has recently opened a for-profit consulting arm with an almost identical name and which appeared in support of developers in the recent Turnden, Cranbrook, TWBC hearings before the TWBC Planning Committee. The BNP group appears to be unaware of NE's listing of the hospital sites as high priority grassland habitat of national importance (see attached email from NE's Sussex and Kent Area Manager). The BNP group claims that it wishes to "protect" the LWS yet it never challenged Savill's comments (on behalf of the Benenden Healthcare Society - BHS) on the LP (see DLP_4956 para 3.2), nor those in a letter dated June 21, 2021 to the Independent Examiner. Savills states that their proposal is to 'protect' the LWS at the hospital sites by digging them up and moving them elsewhere, and they intend to park and drive heavy vehicles over the LWS during construction and demolition. Both the BNP and Savills use the word "protect" in a way which may well not make sense to NE.
- The BNP group has never publicized the fact that 50% or more of the hospital site is LWS (see attached map). On the contrary, the group continues to claim, incorrectly, that this site can be fairly described as 'brownfield'.
- The Friends of the East End (FEE), a group dedicated to achieving a more balanced distribution of houses in the parish of Benenden, submitted a petition with 127 signatures protesting the February 2019 BNP draft. The FEE submitted a second petition with 164 signatures, protesting the Reg 14 draft (both submissions attached) in October 2019. These objections were ignored.

Conclusion: because of the difference between the evidence base of the BNP and the rest of the LP, many of the Examiner's questions about the LP's evidence, the LP's policies and borough council's views, are difficult to answer in relation to Benenden. The Benenden section of the LP stands on its own unique and highly controversial foundations.

Matter 2 - Housing and Employment Needs

Issue 2 - Affordability Housing Needs

Q2 Has the need for affordable housing been accurately established and is it based on robust, up-to-date information?

The need for affordable housing was, to the best of our knowledge, not assessed prior to site allocations in Benenden in Feb 2019. The BNP uses the construction of 12 almshouses at the Feoffee site, near the village centre, as a means of demonstrating an interest in affordable housing but, although this argument was approved by the BNP examiner, we believe it is misguided. Almshouses do not equate with affordable housing. They are never owned by those who live there. They provide affordable rents, not affordable ownership.

Matter 5 Site Selection Methodology

Issue 1 as above

Q3 In deciding whether to allocate sites for development, how did the Council take into account the effect of development on

- *Landscape character, including the HW AONB and its setting*
 1. BNP sites were allocated without consulting the HW AONB on the suitability of a former isolation hospital site, deep in the countryside and within the setting of the AONB.
 2. The hospital site is located on either side of a designated rural lane (Goddards Green Road - GGR) three miles distant from the village. There is no daily bus service. Other sites, such as sites 222 and 158, are situated on the B2086, in the village centre, where there is a daily bus service connecting local towns, shops and supermarkets as well as bigger towns such as Maidstone and Tunbridge Wells. By building a major development at the rural, isolation hospital location, the 'made' BNP ignores the need to conserve the rural landscape and build on existing infrastructure.

- *The need for new and improved infrastructure (including community facilities)*

There is no infrastructure at the site chosen for most of Benenden's new houses. There is no school, no pavement (except immediately outside the hospital building), no community hall, no play-ground, no public sporting facilities, no shops, no café, no pub, no daily bus service and no active travel link to the village. These absences are glossed over by assumptions that the privately-owned hospital will provide these facilities, although Savills' has repeatedly said it will not allow use of its buildings or facilities by the public and that it cannot provide an active travel link with the village because the land needed to do so is owned by others. If development can be allocated on the basis of the possible future realisation of hoped-for facilities and services, then anywhere could be deemed appropriate for building.

- *Heritage assets*
 1. There was no consultation with Heritage England about the hospital site by the BNP group before allocation and possibly not afterwards either. The site lies on a west-east ridge following a prehistoric route, later a Roman road into the High Weald connecting iron mines on the Weald with an important Romano-British town south of Ashford at Hawkinge (see *The Landscape of Benenden* by Ernest Pollard and Hazel Strouts, July 2006 <https://www.benendenvillage.org.uk>). Later still, the ridge was the site of a drove road connecting the Jutish settlements on the coast with their High Weald dens for autumnal pannage. The BNP group failed to note the national monument (SMR Number/Hob UID) of a bronze age palstave found at the hospital site. There was, to the best of our understanding, close to zero work on the historic significance of the site when it was allocated, and little attempt at protecting it thereafter.

2. The site is also historically significant for the original sanatorium building which was built by architect, Augustus William West, using the plans with which he won King Edward VII's competition. This competition was for the construction of a new, top-of-the-line sanatorium in England. The Benenden building is one of the earliest examples of early British modernism when the frills and furbelows of Edwardian architecture are abandoned in favour of a modern, functional approach (see <https://www.ribaj.com/buildings/bauhaus-centenary-benenden-sanatorium-augustus-william-west-hazel-strouts>)
- *Nature conservation*

There has been, throughout the BNP process, little acknowledgement of the importance of the hospital site in terms of the environment and of nature conservation. Purchasing adjacent farmland cannot compensate for the loss of LWS of national importance. The farmland is not NE designated. The LWS are. These sites are of national importance because undisturbed grassland is rare. The hospital LWS' flora, particularly the waxcap fungi population, flourish only because these sites have been undisturbed for a long period of time. As such, if the NE had been consulted, it is highly likely that advice would have been given to say that LWS cannot be dug up and transferred elsewhere. The Local Authority has long been aware that the hospital LWS are extremely important (the hospital LWS "fulfil the criteria for it to be considered a SSSI" - see attached Kent Wildlife Trust letter to TWBC officer E. Gilbert, 4 March 2013). This view is echoed in an email from Natural England's Sussex and Kent Area Manager, James Seymour, 17 December 2021, where he says the site will be added to the NE's [priority habitat inventory](#) for lowland meadow (email attached). Instead of drawing the voting public's attention to the environmental importance of the hospital sites at any point during the BNP process, the BNP group has consistently dismissed them as "brownfield", as if they were of no environmental value.

Q7 Was the site selection process robust? Was an appropriate selection of potential sites assessed, and were appropriate criteria taken into account?

1. The site selection process in Benenden took place before consultation and was therefore **not 'robust'**. There is a substantial difference between the TWBC's approach to Benenden sites and that of the BNP group. The BNP group wanted most houses outside the village at the hospital on the parish boundary, while TWBC saw sites close to the village centre, and a site at the centre of Iden Green (the only hamlet in the parish), as suitable. TWBC appears to have been ready to give in to the wishes of the BNP group on sites 222 and LS8 (though their reasoning is questionable), but they were slower to concede over site 158.
2. Both sites 158 and 222 were well known to TWBC planners because both **had undergone previous sustainability assessments**. Both were candidates, in 2006, as sites for a new village primary school. 158 eventually became one of only two sites put forward for selection in a referendum. Most people in the parish voted for the new school to go on site 158 but, for unknown reasons, the school was built at the other site.
3. Following its not being used as a site for the new primary school, site 158 was earmarked by TWBC planners for housing. In 2018 TWBC planners allocated 174 houses for this site. This allocation was announced at an April 2018 meeting of the BNP Steering Committee by Benenden's borough councillor. He was, at the time,

Leader of the Council and, according to the June 2018 edition of Benenden Parish Magazine (page17), he was also chief BNP lobbyist with council officers. He said he would talk to the landowner of site 158 in order to reduce the number of houses there, but without disclosing TWBC's proposal for 174 houses. A member of that committee at the time was the organizer of the FEE. She felt this approach was unfair to the landowner and revealed the TWBC proposal to him and to others. She was promptly fired from the BNP Steering Committee.

4. In the SHELAA (July 2019) unallocated sites 158 and 222, both close to the village centre, are included as potential sites, as is site LS8 in the centre of Iden Green. Iden Green, one mile distant from the village, is connected to it by a paved foot path leading to the church and the village school. The hamlet has an excellent pub/restaurant called The Woodcock, a school, a church, newly re-furbished children's playgrounds, public tennis courts, pavements and a community hall. In the *Strategic Housing and Economic Land Availability Assessment. Regulation 18 Consultation. July 2019.*
https://forms.tunbridgewells.gov.uk/_data/assets/pdf_file/0005/403187/CD_3.22b_SHELAA-Benenden-Site-Assessment-Sheets.pdf
site 158 is listed (p9) as suitable for 50-65 houses. Site 222 (p11) is listed as potentially yielding 76 houses but is considered unsuitable for heritage and landscape reasons (reasons which were considered no bar at the hospital sites), while site LS8 (p29), in the centre of Iden Green, is deemed to potentially yield 26 houses but is dismissed for being 'in a remote location relative to services and facilities and public transport.' This statement, taken together with knowledge of the BNP's wish to place most houses at the far more remote East End site, could well leave an informed reader dumbfounded.
5. In the 2021 SA of the Pre-Submission LP, TWBC officers still see sites 158, 222 and LS8 as reasonable sites, see
https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/343869/Sustainability-Appraisal-Consultation-Document-v3.pdf
though now these three sites are unallocated. TWBC justifies the shift through scores in Table 33, p79 (for allocated sites) and Appendix K pp 195 and 196 for unallocated sites. The ratings appear to be loaded with confirmatory bias. All sites are scored the same for air quality (though the sanatorium was specifically sited on a south-facing ridge where the air quality was best). Further, all sites are rated the same for access to facilities and services, regardless of the fact that some have these (158, 222 and LS8), while others (the hospital sites) do not.
6. This divergence of views between council planning officers and the BNP group on appropriate sites in the parish is evident in Nov 2019 *Regulation 18 Consultation Draft Plan*. In its section on Benenden, planners allocate Uphill as a site for development but insert Clause 8 (page 270) which requires access through Uphill to the land behind (which is site 158) for development in the future. However, following 8 letters of complaint from residents in the centre of Benenden (see comments including DLP-5637 on the Draft LP) and probably after lobbying by the BNP group's chief lobbyist, TWBC omitted, without explanation, clause 8 from the next iteration of the plan.
7. To sum up the housing history of site 158:
 - a. in 2006 TWBC officers considered it suitable for a new village primary school and it won a referendum for such an allocation
 - b. in 2018 TWBC officers considered it suitable for 174 houses

- c. in 2019 TWBC officers considered it suitable for 50-65 houses in the SHELAA
- d. in the 2019 consultation LP, TWBC officers wanted access to the site through Uphill for development at a later date
- e. yet in the 2022 'made' BNP, the site is allocated zero housing.

**8. Matter 6 - Strategic Sites
Issue 9 Benenden page 26**

Q3 Are there any conflicts between the site allocation policies proposed in the LP and the site allocation policies in the NP? If so what are the reasons for any differences?

1. The most striking feature of the 'made' BNP allocations is their consistency with allocations made in the Feb 2019 informal draft BNP, in other words, with a draft produced before consultation with stakeholders or even possibly without the agreement of TWBC officers who, at this time, were advocating 50 to 65 houses at site 158 (see the SHEELA).
2. **Misleading assessment of housing numbers in the 'made' BNP**
The 'made' BNP talks about 25 new houses for **the southern site**, and includes the 24 new homes on the hospital's southern site (for which planning permission was granted but which remain unbuilt), only under an asterisk. They imply that the total number of new houses to be built on this site is 25. In fact, it is 49.

On **the northern site**, it fails to point out that the plan would allow the demolition of 9 existing buildings containing 18 dwellings, and their replacement by 18 detached houses. The existing 18 dwellings are small and not all are let, so the site's current population would be considerably greater under the new plan. The 'made' BNP seriously underestimates the number of houses planned for both hospital sites and this has serious consequences. The KCC Highways Sensitivity Addendum PS_023, makes trip rate assessments on the understanding that there will be only 73 new dwellings at the hospital. How valid is this research when the actual number of houses will be 92?

This juggling with house numbers may also have distorted the numbers of affordable houses, for the new 18 dwellings on the northern site appear unencumbered by affordable housing requirements.

To be clear: the number of new houses actually planned at the East End is 92 (on the south site 25 + 24 with pp, and on the north site 25 +18).

3. **There is a conflict between allocations in the 'made' BNP and the BNP as presented to the population of Benenden in 2019 (Reg 14) for comments.** The area to be developed at the northern hospital site virtually doubled between the consultation version of the BNP and the referendum, or 'made', version (see attached maps). This doubling means that the entire northern LWS is now included in the development area. **Benenden parish council did not alert the parish to this change.** Relevant stakeholders were not consulted.
4. **There is a conflict between the 'made' BNP and the LP on the southern hospital site.**

The LP southern hospital site does not include much of the largest of several LWS in the area, but the ‘made’ BNP includes the entire LWS, again, almost doubling the southern development site. If TWBC thought this larger version of the southern site was appropriate, why did they not choose to put it forward themselves? Why was NE not consulted?

Q4 Are site allocations AL/BE1, 2, 3, and 4 justified, effective and consistent with national planning policy?

1. Sustainability is the golden thread which must run through all NPPF plan-making, yet:

- (i) allocations in the ‘made’ BNP place most houses at an unsustainable site. The East End hospital site is 3 miles distant from the village centre. It has no community building, no school, no shops, no pub, no café, no daily bus, no playground, no pavement (except for a short extent outside the hospital building), no paved or unpaved foot path to the village, no bicycle link to the village.
- (ii) Sustainable sites close to the village centre (such as 158 or 222) or in the heart of Iden Green (such as LS8), are not allocated. The SA for the PSLP offers arguments to justify these non-allocations which are difficult to believe. See Table 33 ‘Scores for allocated sites in Benenden Parish’ and Appendix K - ‘Scores for Reasonable sites in Benenden’. In these tables, the hospital sites, three-miles distant from the village, are scored negative (red and pink) for services, facilities and travel, yet sites in the centre of the village (AL/BE1 and AL/BE2) have the same score, as if access to shops or being on a daily bus route makes no difference to sustainability. The poor score of the hospital sites as regards access to education is dismissed, or at least partially discounted, on the grounds that people living there will take their children to school in other towns such as Tenterden. *“Lack of services, facilities and travel options is a key issue for all development in this settlement and the sites in East End cause the score for Services and Facilities, Climate Change and Travel to be particularly negative overall. However, the education objective does not deteriorate when considering cumulative effects as the schools in Tenterden will be a viable option for residents in East End and thus are likely to take the pressure off Benenden Primary School.”* This conclusion expresses a speculative hope, and is not evidence. Almost all of us who live in the East End consider ourselves part of the parish of Benenden and turn first of all to the village for services, facilities and education. The sentence admits that the East End scores so badly on sustainability that it drags all Benenden sites down, if scored together. In spite of this, the East End is considered the right site for most housing. Given that the sites were allocated in February 2019, and the SA was written afterwards, the argument seems to display “confirmatory bias”. Looking at the SA of the LP (October 2021) we find the same unconvincing conclusion.
- (iii) The SA (Oct 2021) and the Benenden section of the SHELAA, state that 158 and 222, both on a daily bus route, both steps from the village centre, and both once both considered for the site of the new primary school, lack *“services and facilities including public transport at the settlement.”* Also

see Appendix K of the SA for the PSLP pp 331 and 332 (or pp 433-436 in latest version of the October 2021 version of the SA). This conclusion is not sound.

- (iv) Site LS 8 or AS_8 (Iden Green) is in the centre of Iden Green and next to a school, a church, newly constructed playgrounds and tennis courts. It sits on a parcel of land, part of which was given by the current landowner's father to the local community to build a Congregational church. Nevertheless, it is scored as unsuitable for houses and, in the SHELAA pp 227-228, the site is described as remote and lacking facilities and services. This description is also not sound. There is a paved footpath connecting Iden Green to the village one mile away, and the hamlet boasts one of the only two excellent pub-restaurants in the parish. The other is in the centre of the village. Also see Appendix K of the SA for the PSLP pp 331 and 332.

Business Growth is scored blue in the SA for the PSLP, for the two sites in the village, but green for the distant, unsustainable hospital sites. This is inconsistent with the NPPF (paras 174 - 177) because it favours the location of business in a rural location without services and facilities and not close to an existing village or hamlet. Under para 177, permission to establish a major development should be refused unless there are exceptional circumstances. What are the exceptional circumstances in this case? We understand that 92 new houses, with or without later planned conversion of farm buildings in the AONB, constitute a major development. The BHS has extensive development ambitions. For its plans at the immediate hospital site (12.26 ha) see page 3

https://forms.tunbridgewells.gov.uk/_data/assets/pdf_file/0005/403187/CD_3.22b_SHELAA-Benenden-Site-Assessment-Sheets.pdf

For some of its plans on its farmland (it owns about 300 acres of farmland adjacent to the hospital and almost all within the AONB) see its application 20/03267/FULL, Feb 2021 to develop a housing estate at Cleveland Farm in the AONB. This application was later withdrawn.

9. Matter 8 - Meeting Housing Needs

Issue 1 - Housing Mix

Q2 How has the size, type and tenure of housing needed for different groups in the community been assessed and how is it reflected in planning policies, as required by paragraph 62 of the Framework?

The allocation of Benenden's unsustainable hospital sites preceded consultation and we are unaware of any assessment drawn up prior to the Feb 2019 BNP. Placing most of Benenden's new houses at the hospital, three miles distant from the village, appears to disregard NPPF para 62 since it favours families with at least one car, and more likely two. The plan is detrimental to the interests of the less well-off, the old and those with disabilities

Issue 2 - Housing Density

Q2 How does the Plan seek to optimise the use of land for development in town centres and other locations that are well served by public transport?

The 'made' BNP works in the opposite direction to that suggested in the question. It minimises development in the village and stifles development in the only hamlet in the parish by creating a new LBD. It places a major new housing development in a rural area not served by any system of daily transport.

Issue 3 - Affordable Housing

Q1 What is the justification for requiring 40% affordable housing on qualifying greenfield sites and 30% on qualifying brownfield sites in Policy H3? What are the figures based on, how were they calculate and what alternatives were considered?

The justification in terms of major development at the isolated hospital site is that such a remote and unsustainable site is unsuitable for less well-off families. Savills, in its comments on the LP has also stated that the costs of demolition will be high and request 'flexibility' both in regard to affordable housing and to transport and general financial contributions to authorities (DLP_4949, D_4956 Savills comments on the Local Plan).

Issue 6 - Housing for Older People and People with Disabilities

Q1 Para 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including housing for older people and people with disabilities. What is the need for housing for older people and how will this be met over the plan period? Has the Council considered the need for different types of accommodation, such as sheltered accommodation?

The hospital site is three miles distant from the village and there is no pavement along connecting lanes nor at the site. How can such a site be anything but extremely negative for a wheelchair user? The sites are scored red and pink for travel in Table 33 of the SA of Potential Development Sites. Wheelchair-users might have preferred a solid red for the hospital sites on both sides of GGR. They would know that taking a wheelchair down single track Walkhurst Road (which connects the hospital site to the village), could be highly dangerous if not impossible. They might also wonder why sites close to all amenities and facilities, such as 158 and 222, have not been allocated.

Matter 12 Transport Infrastructure

Issue 1 - Effects of LP Growth

Q1 Have transport issues been considered at the earliest stages of plan-making, as required by paragraph 104 of the Framework?

Transport issues were perhaps, not uppermost in the minds of the BNP group. If they had been, sites on existing bus routes might have been considered. On the other hand, if the goal was to keep traffic out of the village, the plan makes sense.

Q2 How have potential impacts of the development proposed in the Plan been tested, and how will the necessary highways mitigation be delivered? Is it clear to decision-makers, developers and local communities what will need to be provided, when and by whom?

PS_032 KCC Transport Sensitivity Addendum considers the traffic effects of development at Benenden's hospital sites using incorrect housing numbers (73 instead of 92). Impacts have not been properly tested. There is no agreement on who will provide what. The community of the East End has not been properly consulted. The FEE submitted two petitions to the BNP group, one signed by 127 in April 2019 in response to the Feb 2019 version, and one signed by 164 in October 2019 in response to the Reg 14 version (both petitions are attached). The BNP not only failed to acknowledge our petitions, but they also attempted to ignore their existence (see the letter of BNP group leader Paul Tolhurst to the Parish Magazine, January 2020).

Issue 2 Transport and Accessibility

Q1 Is it clear to decision-makers, developers and local communities what is meant by "reasonable close proximity" for the purposes of Policy TP2?

1. There is no active travel link between the hospital sites and the village. The hospital has stated repeatedly that it cannot provide such a link because it does not own the necessary land, and landowners have stated repeatedly that they have no intention of selling. The plan is, once again, presenting a wish list for likely unachievable goals.
2. TWBC, in allocating the hospital sites for development is not following the advice of its own Transportation Sensitivity Addendum (2.3.9) which says the council is committed to shifting away from cars by making cycling and walking the natural choice for short journeys. TWBC planners and the BNP group may understand the meaning of "reasonable close proximity", but they are not applying it in allocating most Benenden development three miles away from the village.
3. Parents generally like to walk their children to school but this will be impossible for those living at the hospital sites. Children in the East End would have to travel three miles by bus or car to get to school. Sites 158 and 222 on the other hand, would have allowed children to walk to school, and even LS8 would have permitted children to walk along the paved footpath which connects the site to the village school one mile away. In fact, at present, there are so few children in the village that over 70% of children in our primary school are currently brought in, almost all by car, from places outside the parish.
4. This plan confirms the village as a place for older people and not for children. One of the members of the BNP steering committee once commented in the hearing of the FEE organizer, "The good thing about living in Benenden is that one's children can't afford to live next door." It is true that one's children cannot afford to live here. The 'made' BNP contributes substantially to the fossilization of our village and to the development of our countryside - it promotes something close to ribbon-development.

Matter 13 - Landscape, Local Green Space and Open Space, Sport and Recreation Issue 4 The HW - AONB

Q1 What is the justification for requiring development proposals to demonstrate how they meet the objective of the AONB Management Plan? Do the objectives form part of the development plan for the area?

The 'made' BNP allocates sites without reference to the AONB. Consulted after the fact, the HW-AONB was not asked to assess the one site in the village where most of the new housing is allocated - the hospital sites in the East End. Such an approach suggests scant respect for the AONB. For the AONB's views on the hospital sites see Draft LP comments DLP_3458.

Matter 14 - Sustainable Design and Heritage and Conservation Policies

Issue 2 - Climate Change Mitigation and Adaptation

Q2 Is it clear to decision-makers, developers and local communities what standards are required as part of residential development proposals?

- The BNP group have never publicly acknowledged the existence of high priority grassland habitat at the Benenden hospital sites. This suggests that standards have not been established. Species rich grassland, like those at the proposed hospital development site, are considered by botanists as possibly of more importance than rain forests in combatting climate change. Grassland expert Graham Harvey writes in ‘Plant Life’ Issue 91, Autumn/ Winter 2021 “*Grasslands provide huge benefits to the environment . . . so much so that scientists believe they may be more important even than forests in the fight against climate change.*” Species-rich grasslands are “*capable of removing large amounts of the greenhouse gas carbon dioxide from the atmosphere.*” The ‘made’ BNP proposal to include the hospital’s wildlife sites in the development area is contrary to national policy (see COP 26) and contrary to TWBC’s own climate change policy. In 2019, TWBC declared a climate emergency and established a cross-party task force “to look at ways to reduce carbon emissions and to make a positive contribution to combating climate change, including ensuring that forthcoming plans and strategies, including the new Local Plan, take account of this.” (see Local Shaping the Borough, making all the difference, Autumn 2019 published by TWBC, page 8.) The ‘made’ BNP does **not** make a positive contribution to combating climate change.
- 5. It appears that NE has a different understanding of the word “protect” to both the BNP group and to Savills. The latter believes it is ‘protecting’ the LWS when it parks heavy vehicles on them and digs them up, and the BNP group appears to concur in this view because it has not challenged it. In para 1.7 of Savills’ June 22, 2021 letter to the BNP independent examiner, it proposes driving heavy vehicles over the LWS during demolition and construction, and, in its comments on the draft LP (DLP_4956 para 3.2) it states its intention of moving earth removed from such sites to an unspecified location. This is proposed without evidence. The NE was not consulted.
- 6. The ‘made’ BNP states that building will only be permitted in the footprint of existing buildings. They have been saying this from February 2019 onwards, regardless of the fact that in a presentation to the village February 17, 2020 by Clagues, the hospital’s architects, plans were presented showing building all over the site, in no way restricted to existing footprints (attached). Why would Savills say the BHS proposes to dig up LWS and move them, if their plans did not involve building on areas other than existing footprints? Once again, the BNP group’s silence in the face of Savills’ statement implies concurrence.

Matter 15 - The Natural Environment

Issue 1 - Biodiversity Net Gain

Q1 What is the justification for seeking to achieve a minimum 10% net gain in biodiversity? What will be required of applicants?

Q2 Is the requirement to achieve a 10% net gain achievable across the proposed site allocations?

1. NE should have been consulted on the decision to site most of Benenden's housing on the LWS in Benenden hospital. Few people are in a better position to respond to this question than the botanists at NE.
2. It is highly unlikely that a 10% biodiversity net gain is achievable. How could newly planted young trees be offered in exchange for high priority grassland habitat, established over many decades?

Issue 2 Environmental Protection

Q1 Is the Plan consistent with para 179 of the Framework insofar as the protection and enhancement of biodiversity and geodiversity is concerned?

This is, to some of us, the tragedy of the hospital site allocations. 50% or more of these sites is not brownfield but LWS of national importance which could be raised to SSSI status, as signified in a letter to TWBC from the KWT in 2013 (attached). This change is still possible. The sites are home to a wide range of waxcap varieties which flourish only in undisturbed grassland, a rare commodity in England today. The hospital sites are on either side of rural lane yet the SA scores them differently on biodiversity, a difference which it is hard to justify and which calls into question the knowledge level of the scorers. We understand that NE is listing the LWS on both sides of the road as high priority grassland habitat.

Q7 Is Policy EN20 consistent with para 175 of the Framework which states that plans should allocate land with the least environmental or amenity value and where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality?

In Benenden's case, land of national importance in terms of biodiversity has been allocated for development. This is not consistent with para 175 of the NPPF.

Attachments and References:

1. Benenden Hospital Local Wildlife Sites (LWS). LWS are in blue and a red boundary line marks the two development sites, one on either side of Goddards Green Road.
2. Map of Benenden Hospital Northern Site, as presented in BNP Reg 15 and offered to parishioners for comment.
3. Map of Benenden Hospital Northern Site, as submitted for the referendum and the 'made' BNP. No consultation on this extension, page 229 https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/403587/CD_3.128_Local-Plan_Submission-accessible_reduced.pdf
4. Map of Benenden Hospital Southern Site, as submitted in 'made' BNP (see page 226 https://tunbridgewells.gov.uk/_data/assets/pdf_file/0009/403587/CD_3.128_Local-Plan_Submission-accessible_reduced.pdf)
5. Map of Benenden Hospital Southern Site, as submitted in the Local Plan before the BNP was incorporated into it. Page 221 <https://democracy.tunbridgewells.gov.uk/documents/s53232/3%20Appendix%20B%20-%20PSLP%202020-2038.pdf>

6. Table 33, SA for PSLP, scores for allocated sites in Benenden Parish see page 79 https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/343869/Sustainability-Appraisal-Consultation-Document-v3.pdf
7. Appendix K, SA for PSLP, Scores for Reasonable Sites in Benenden (2 pages) note sites 158, 222 and AS_8 also known as LS8. See pages 195, 196, https://tunbridgewells.gov.uk/_data/assets/pdf_file/0006/343869/Sustainability-Appraisal-Consultation-Document-v3.pdf
8. Friends of the East End (FEE) First Petition objecting to February 2019 BNP. 127 signatures. April 2019 (Objections to Plan 6.doc)
9. FEE letter accompanying petition with 127 signatures, to Leader of the BNP, Paul Tolhurst. 4th April 2019.
10. FEE Second Petition objecting to BNP (Reg14 version). 164 signatures. October 2019 . See Point no.4 "Our comments made to the draft plan promulgated in February 2019 and signed by 127 people, noted that our objections will be submitted at each stage of the consultation process until we come to a satisfactory conclusion. Regrettably, we have not reached such a conclusion since the principal objections raised in that document have not been put into effect." (Back of np-3.doc)
11. Article of Paul Tolhurst in Benenden Parish Magazine, January 2020 in which he omits reference to FEE petitions
12. Letter from Kent Wildlife Trust officer Keith Nicolson to TWBC officer Ellen Gilbert, March 4th, 2013
13. Email from Natural England's Sussex and Kent Area Manager, James Seymour on the status of Benenden Hospital LWS, 17 December 2021
14. Map of new houses as planned by the BHS architects Clagues, and presented to the public at a presentation held Feb 17, 2020. New houses are clearly planned on LWS.