

**FRIEND'S OF THE EAST END
WRITTEN STATEMENT**

EXAMINATION OF THE BENENDEN NEIGHBOURHOOD DEVELOPMENT PLAN

25 JUNE 2021

**IN ACCORDANCE WITH PARAGRAPH 9 OF SCHEDULE 4B OF
THE TOWN AND COUNTRY PLANNING ACT 1990**

List of appendices to written statement:

Question 1:

1. Officer's Report, ref 12/03130/EIA, 14 March 2013

Question 4:

1. Kent Wildlife Trust (KWT) October 2006 description of Hospital LWS
2. 2013 Benenden Hospital *Landscape and Ecology Management Plan* (LEMP)
3. KWT 2016 inventory of plants at the Hospital sites with June 2021 KWT note
4. Emerging TWBC Local Plan showing Benenden Hospital LWS in relation to area to be developed (Benenden Neighbourhood Plan of South East Quadrant includes the whole of both LWS for development)

Question 1

1. The proposed allocation sites ('the Sites') are neither well-located nor will they deliver sustainable development. The southern site has been described as a "*remote, isolated location and therefore the site is not a sustainable one*"¹ by the local planning authority. The Sites are not within the limits of built development nor adjacent to it – development here would conflict with Core Policy 1 of the Tunbridge Wells Core Strategy 2010 ('the CS').
2. The Sites are isolated. There are other far more appropriate sites in Benenden and Iden Green which would deliver sustainable development in that they would enhance or maintain the vitality of rural communities whilst allowing for these settlements to grow and thrive (NPPF 78). In contrast to these locations there is no rural community at the Sites – rather, the East End is formed of scattered isolated homesteads, dependent upon car travel. Development at the Sites would result in the creation of isolated homes in the countryside without meeting any of the circumstances in which this is acceptable (NPPF 79).
3. The Sites are unsustainable. NPPF 78 suggests that in rural areas with groups of small settlements development should take place in villages to act as a centre of services for other nearby villages and settlements (this is mirrored by Core Policy 14 of the CS which directs growth to village centres, protects the countryside for its own sake and encourages non-motorised forms of transport between settlements). Allocating the Sites would undermine this. It threatens high streets with heightened traffic congestion and strengthens the concept of the village community as a collection of people from outlying dormitories rather than a group of people living together. Residents will be forced to rely upon private vehicles for transport (in contravention of NPPF 103, 108; Core Policy 3 of the CS). Taken together, allocating the Sites clearly conflicts with Strategic Objectives 1 and 4 of the CS.
4. These policies are not strategic and, on this basis, NPPF 117 does not apply. There is no Objectively Assessed Need for housing in this location. The NPPF's support of the use of brownfield land is predicated on the land being 'suitable' which includes the sites being sustainable (NPPF 118(c)) – simply put, there is no further suitable brownfield land which can be developed on the Sites. The northern site is housing stock currently in residential use which would be unnecessarily demolished – this conflicts with Sustainable Development Objective 2 of the CS in that it fails to maximise the use of *existing* property stock. The southern site benefits from the extant planning permission, is in a highly sensitive location and the previous hospital development cannot be sensibly used as a basis to now promote the use of the site for an altogether different purpose. As such, there is no further benefit to developing the "brownfield" land on the Sites – the land is unsuitable for further development and, in any event, the purported benefit of building on brownfield land simply cannot override the need for development in sustainable locations, which the Sites are not (NPPF 118)
5. In our view NPPF 117 footnote 44 does apply. Development on the Sites would cause harm to the LWS's which contain high environmental value that would be adversely affected by development beyond what is already permitted.
6. The historic importance of the site is largely unknown since there has been no archaeological impact assessment as requested by Historic England. It is however on the record that it is the site of two ancient routeways (a Roman Road and a medieval trackway) and the site where a Bronze Age Palstaff was found (see Scheduled Monuments Register).
7. Further development (beyond that which is permitted) on the Sites would be contrary to the NPPF and adopted development plan documents given the unsustainability of the Sites and

¹ Planning officer's report for 12/03130/EIA, subsequently amended by 14/505641/FULL, para 10.27

the disproportionate impact it would have on the AONB and LWS. This erroneous allocation results from the improper approach in the Neighbourhood Plan to keep any housing outside of Benenden and Iden Green – thereby failing to consider the need to ensure development is proportionate and appropriate, having regard to site-specific constraints.

Question 2

1. The essential point is that the Sites are unsustainable. It is improper to allocate the Sites on the basis that future development might be able to make the Sites more sustainable (although this is not accepted) whilst discounting other, more appropriate sites by virtue of being unsustainable. The requirements for social infrastructure do demonstrate, however, that the Parish Council consider the Site to be so unsustainable that it cannot be allocated without requiring significant social infrastructure.
2. It is inappropriate that, as a result of this improper site-selection exercise, social infrastructure is required to make development acceptable which would not have been required had other more appropriate locations in Benenden and Iden Green been allocated. Current residents of the East End are required to travel by private car to access facilities in Benenden and the other villages/rural centres. These activities include sending their children to Benenden School and accessing the playground, shopping in the village including the local Post Office, attending events such as church and village fêtes and frequenting the Benenden pub and the village café. Allocation of the Sites simply cannot provide the necessary infrastructure and facilities as would permit residents of the East End to do all of this in the East End.
3. The social infrastructure requirements are not sufficient to meet the reasonable day to day needs of existing and future residents. They are extremely unlikely to be delivered and, even if they are delivered, will not make the site sustainable. Addressing each of the requirements in turn.
4. A community shop is simply unviable. The village shop/café in Benenden (with a population of 2,374²) has *only* managed to survive by being converted into a co-operative, thanks largely to a special agreement with Benenden School in relation to the property, and to the volunteering staff. A shop in the East End would not benefit from these economic privileges whilst having a far smaller potential customer base.
5. There are sports facilities belonging to the hospital in the East End - a cricket pitch, tennis courts and a sports pavilion, none of which are included in the area and are rarely used.
6. With regards to the minibus, in our view the recent failed attempt to set up a daily bus service through the East End is highly relevant. Kent County Council along with the Tenterden Social Hub launched an experimental daily Hopper Bus Service which passed along Goddards Green Road. It soon failed. The buses ran empty. It is unfeasible to suggest that this could be revived by the addition of 100 new households, each of which will have at least one car.
7. Finally, the active travel link is unfeasible. It is roughly a 4km journey from East End to Benenden. With respect, it is incredulous to suggest that residents of the East End will walk or cycle an 8km round-trip to access services and facilities in Benenden. Residents of the East End are, and will be, largely reliant upon transport by private vehicle along the narrow Goddard's Green Road. This starkly contrasts with other sites that could have been allocated in Benenden and Iden Green which either adjoin Benenden or are within short walking distance from facilities in Benenden.
8. Furthermore, in our view it is unreasonable and unrealistic to suggest that the fundamental unsustainability of the East End might be addressed though funding from the development.

² 2011 census

Whilst we think the measures suggested are insufficient, inappropriate and ineffective, it is also true that the East End should not be delivered whilst it remains an unsustainable location. That cannot be addressed by the developer alone given the fundamental issues that make the East End so unsustainable.

Question 4

1. There are 59 local wildlife sites ('LWS') in Tunbridge Wells.³ They have a county-wide significance and provide a high-grade habitat for a diverse range of flora and fauna meriting careful conservation.⁴ The reason the LWS is designated at the sites is because it *"consists of a number of areas of unimproved neutral grassland within the hospital grounds. These do not receive, and may have never received, treatment with weedkiller or artificial fertilizers. The grassland supports at least twelve indicator plant species of unimproved neutral grassland, large numbers of orchids and has an exceptional fungus flora. It is considered, in expert opinion, to be of county importance for its wax-cap fungi alone."*⁵
2. The Landscape and Ecology Management Plan ('LEMP') made between the Benenden Hospital Trust and the local planning authority in February 2013 involved a detailed survey of 4.78 ha of Local Wildlife Sites in the hospital grounds. This determined that the site fulfils the criteria for being considered a SSSI.⁶ SSSIs are afforded a high degree of protection (Wildlife and Countryside Act 1981). Significantly, the survey stated that *"outline planning permission for residential houses in the south-east quadrant has been designed to avoid the grassland habitats within the LWS"*⁷ – in our view, it follows that further development "in the south-east quadrant" (the southern site) is inappropriate as it would not preserve the grassland habitats within the LWS. This is contrary to Sustainable Development objective 1 of the CS and, importantly, underlines the point that the East End cannot accommodate further development without adversely impacting on the LWS.
3. There has been considerable difficulty for those wishing to access the site to study its ecology, for which the hospital management's consent is required. The Benenden Healthcare Society (BHS) has: (i) through Clague, its architects, produced a map of the South East Quadrant showing development which does not respect the LWS and (ii) proposed digging up one of the LWS and moving it to another, unspecified site in order to have more land available for development.
4. This would be disastrous for the LWS. The thin dry soils of the hospital LWS are rich in a variety of wild flowers typical of this part of Kent which have become extremely rare. This is a site of unimproved grassland filled with flowers, fungi and butterflies which provides the biodiversity which governments round the world recognise today as being of critical importance. Harm to this would be in contravention of Core Policy 4 of the CS and NPPF 170.
5. Such sites are scarce and threatened on a world-wide scale, and the extent of their habitat in northern Europe has recently declined dramatically. In Britain, we have retained a number of species-rich waxcap grasslands for which, because they are so rare, we have an international responsibility. According to ecologists, the LWS at the hospital qualify as one such site. By definition, these grassland sites are not previously developed land.
6. This area is of national importance, as recently repeated this year by Sean Cooch, one of only two grassland specialists working for Natural England and responsible for the whole of the country.
7. No weight can be placed on the purported benefit that the LWS could be 'managed' if the Sites were allocated – the LWS has been designated precisely because it has not been

³ Core Strategy, Table 4, page 39

⁴ CS, Glossary and Abbreviations

⁵ Kent Local Wildlife Site TW57 – Benenden Hospital Grounds

⁶ LEMP, paragraph 4.3.6

⁷ LEMP, paragraph 4.4.3

interfered with. Positive management of the LWS would therefore require that it is left as it currently is. Properly understood, this is not a benefit but instead a maintenance of the status quo which would persist without allocation of the Sites and the imposition of a management plan. In any event, management is provided for by the LEMP.

Question 5

1. We support and adopt the representations made by the High Weald AONB in response to this question.
2. The Sites sit on the very edge of the AONB and are within the setting of the AONB. Core Policy 4 of the CS requires the AONB to be conserved and enhanced. The AONB excludes the sanatorium buildings but includes its adjacent gardens and parkland, as well as the sanatorium farm (Clevelands) which supplied patients with fresh food and which the hospital owns to this day. The AONB landscape is sensitive to any built development on it or on places within its setting
3. As is readily apparent from a visit to the Sites, there is an equilibrium in the relationship between the sanatorium and its landscape. The landscape was part of the treatment. Quiet and tranquility were key to the treatment of tuberculosis. The scattered homesteads in the East End are subservient to the hospital. This is an isolated site which was developed for a specific purpose and that development was designed to form part of the landscape around it.
4. Allocating the Sites for further residential development would result in a scale and form of development that would be harmful to the AONB. The scale of development proposed would create a high-density urban enclave which would be unduly visually prominent from all directions – high density housing such as that proposed is typically not found on slopes in the AONB due to land being shaped by hand and not heavy machinery. It would result in highly visible development that is out-of-character with the High Weald AONB and fails to have regard to the sensitivity and purpose of the historic development of the hospital.
5. Furthermore, development at the hospital site would also increase traffic along lanes valued for their quiet, historic beauty, as is the case with Green Lane which is listed in TWBC Supplementary Planning Guidance as a particularly high scoring lane in terms of its landscape, recreational value, natural beauty and history. It is part of designated National Route 18 of the National Cycle Network taking cyclists through the most picturesque parts of the High Weald. The extant planning permission for 24 houses, could potentially include two entrances on Green Lane as well as two on Goddards Green Road and could involve widening the lane and the elimination of verges, as has already been requested by KCC Highways in their dealings with the 2021 Clevelands' application. The hospital's Clevelands application is to develop a small housing estate in the farm yard of its Clevelands Farm next to an historic, Grade II listed Farmhouse, and separated from the South East Quadrant only by a small field. Both sites are currently being offered for sale for development as one lot by Strutt & Parker for up to 53 new houses, a major development which clearly threatens harm to the AONB.
6. These proposals contravene Kent Structure Plan Policy ENV 13 (Rural lanes which are of landscape, amenity, nature conservation, historic or archaeological importance will be protected from changes which would damage their character) as well as Paragraph 172 of the NPPF which states that great weight should be given to conserving and enhancing the landscape and scenic beauty, and that AONBs are to be afforded the highest status of protection in relation to these issues.
7. Whether or not land is brownfield does not change the protection that should be afforded to the AONB, The NPPF supports the development of brownfield sites *provided* those sites are suitable (NPPF 118). It is our case that allocating the Sites would have a harmful impact on the High Weald AONB. It follows that the Sites are unsuitable. Development here would conflict

with NPPF 170, 172 and Core Policy 4 of the CS given it would neither conserve nor enhance the AONB.

8. Accordingly, the Neighbourhood Plan fails to meet the basic conditions – in particular, it does not promote sustainable development and is not in general conformity with strategic policies in the development plan in force.