



**TUNBRIDGE WELLS BOROUGH LOCAL PLAN
(SUBMISSION VERSION)**

EXAMINATION MARCH – JULY 2022

MATTER 14 – Sustainable Design and Heritage and Conservation

ISSUE 1 – Design and Design Standards

ISSUE 3 - Heritage and Conservation

**HEARING STATEMENT
ON BEHALF OF
RYDON HOMES LTD**

June 2022

Issue 1 – Design and Design Standards

Q1

Is it necessary and justified for all development proposals to include supporting statements to demonstrate compliance with the wide range of factors referred to in Policy EN1?

No. This is an unnecessary complication which adds to the complexity, cost and potential contentiousness of the process of preparing and submitting a planning application. It is for the Applicants to identify relevant policy support for their proposal in their Design and Access Statement or Planning Statement. They should not have to mechanically go through a list of criteria, some of which are not relevant to their particular scheme. Planning Officers can be expected to be knowledgeable about the requirements of policy and to assess a scheme against the relevant criteria. If they are uncertain about anything they can request further information on a specific point. The requirement for justification is too widely drawn and invites argument about the validity of an application rather than addressing compliance with the relevant planning policies. This is a matter for validation criteria and not a planning policy matter. The references to the information required should not clutter up the policy wording, allowing a simpler and clearer wording for the policy elements. Any reference to information to be submitted should be left to validation requirements or, at worst, put in the text.

Q2

What is the justification for a Construction Environment Management Plan for all developments over 20 units / 2,000 square metres?

As in Q1 above, this is a validation matter and not a planning policy matter. If a development requires a CEMP then this can be secured by condition. It is again an added burden and cost to an Applicant, particularly in outline planning applications and should be left to the LPA to decide in the circumstances of each case whether one is justified and required. The threshold is, in any event, arbitrary and each case should be assessed on its individual circumstances – including some proposals of less than 20 units / 2000 square metres.

Q3

How would a decision-maker determine whether materials had been sustainably sourced by local suppliers for the purposes of Policy EN1(1)(5)?

Very difficult and potentially restrictive on the delivery of new development. What is local? What if local firms cannot meet a reasonable delivery deadline? What if cost implications make local materials unviable? This is over-regulation.

Q4

Is it sufficiently clear what is required of Policy EN1(1)1(12)?

No. Positive behaviour change is too broad an objective for specific planning criteria. The example given is controversial in terms of the use of drinking fountains and too marginal to be helpful.

Q5

What is the justification for requiring development proposals to meet the tighter Building Regulations optional requirement for water? Is it clear what is required in this regard?

There is no justification for planning policy to seek to override Government legislation. Compliance with Building Regulations is a separate requirement that should be assessed and accepted, or not, within its own remit. Building Regulation requirements may also change within the lifetime of the Local Plan. This is inappropriate, unnecessary and over-zealous interference.

Q6

What is the justification for considering planning applications 'more favourably' which can demonstrate that views expressed in pre-application engagement have been 'properly considered'?

The phrase 'properly considered' is too vague and subjective to be meaningful. Planning applications should be considered on their merits and the decision should not be influenced by levels of adherence to process. These are not material planning considerations. If an Applicant does not comply with the process their application should be regarded as invalid. If they fail to provide information that can reasonably be expected of them then an application can be refused. Beyond that, it is up to the Applicant to decide how to present their proposal and the decision-maker should look at the planning merits of the proposal and not be influenced by the degree of adherence to a preferred method of presentation.

Issue 3 – Heritage and Conservation

Q1

Are Policies EN4 and EN5 positively prepared, justified, effective and consistent with national policy, in particular Paragraphs 194-208 of the Framework?

A clear relationship with relevant guidance set out in Section 16 of the NPPF is required. The wording of Policy EN5 differs materially from that in the NPPF and needs to be more directly associated in order to avoid confusion and potential conflict.

Q2

Does Policy EN5 adequately and accurately distinguish between designated and non-designated heritage assets?

The penultimate paragraph, last sentence, is vague, unhelpful and is not a policy of itself. This part of the policy wording should be transferred to the explanatory text. If the Council are to apply Local Plan heritage policies to non-designated heritage assets then they should be identified in the Local Plan and locally listed. It is not sufficient to identify them at the application stage.