



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

EXAMINATION MARCH – JULY 2022

MATTER 15 – The Natural Environment

ISSUE 1 - Biodiversity Net Gain

ISSUE 2 - Environmental Protection

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

June 2022

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?

The Defra Biodiversity metric is a new approach to securing biodiversity enhancement which is, at present, unproven and needs to be applied with flexibility and caution in terms of the process, any standards required and interpretation of outcomes. It is national guidance and is technically complex, requiring professional understanding and involvement. Local Plans should not make the situation any more complex or costly than necessary and should, at least for the present, simply rely upon national guidance rather than introducing any local variations or additions. The requirement to achieve a minimum 10% percentage of net gain complies with intended Government legislation and is acceptable. Reference should be made to an expectation of compliance with percentage of net gain required by legislation at any given time but avoiding reference to a specific percentage would give flexibility and avoid misleading the user of the Plan if national requirements change. There is a question as to whether a planning policy that duplicates national legislation is necessary, unless there is some local justification.

Q3

Is it sufficiently clear to users of the Plan how and when off-site improvements will be permitted?

This is a matter for debate and ultimate judgement by the decision-maker as to what constitutes “wherever possible”. There is no clear indication of the circumstances that might make on-site provision impossible.

Q4

Policy EN9(1)(c) requires information to be provided in accordance with separate supplementary planning guidance. Is this requirement justified?

No it is not justified. SPG is planned to be given a different role by the Government in their new vision for the plan system but in any event must follow the primary plan rather than being a means of varying Local Plan policy in the future. Any requirement of a subordinate document should not be given the same status as the parent plan which has been through a more exacting and democratic process of approval.

Q5

What is the justification for requiring a payment to the Council to cover the cost of independent reviews of Biodiversity Gain Plans?

This is an inappropriate and unacceptable requirement for Local Plan policy. An Applicant can reasonably expect a Local Planning Authority to be fully resourced and capable of determining a planning application for which a planning fee is charged and probably a pre-application advice fee as well. The review of Biodiversity Gain Plans and long term monitoring should also be within the remit and capabilities of a Local Planning Authority. The never ending requirement upon Applicants for more information to

support applications which gives rise to costs of an increasing range of professional advice and assessment is a significant concern, together with dramatic proposed increases in planning fees. These increased costs of securing planning consent are becoming an unquantifiable and disincentivising hurdle for developers and private individuals alike. There should be a national, inclusive approach rather than this type of piecemeal, back door, requirement which implies under-funding of LPAs and restricted capability of Planning Officers to deal fully with planning applications and the additional burdens which their own Plan is placing on them.

Issue 2 – Environmental Protection

Q5

What is the justification for the 25m buffer referred to in the supporting text (Paragraph 6.171) to Policies EN12 and EN13? Will this be appropriate in all instances?

The expectation of a 25m buffer is excessive, unjustified, not in accordance with NE guidance and potentially wasteful of potential development land which should be used efficiently and effectively. The Standing Advice provided by Natural England recommends a buffer zone of at least 15m from the boundary of the woodland to avoid root damage. For ancient and veteran trees the buffer zone should be at least 15 times larger than the diameter of the tree and 5 metres from the edge of the tree's canopy if that is larger than 15 times the tree's diameter. (Guidance Ancient Woodland, Ancient Trees and Veteran Trees : advice for making planning decisions -Natural England and Forestry Commission 14th January 2022). There is no justification for departing from this very recent guidance and references to different standards are confusing. The Plan should refer the reader to the Natural England Standing Advice and Forestry Commission Practice Guide and not seek to introduce conflicting standards or requirements.