

Aylesford Parish Council and Tonbridge and Malling Planning Application 22/00113/OAEA

(Bushey Wood)

APC should resubmit their previous comments with a statement that they are resubmitting because Trenport have not responded to the comments, even though in their document “Planning Statement Addendum” they have responded to the previous comments submitted by Burham and Wouldham Parish Councils.

APC has previously submitted comments concerned with the **substance** of the planning application. They should now consider submitting additional comments on the **process** of the planning application.

For Example:

Substance: - “We object to the demolition of a 20-year old school.”

Process: - “Trenport in their application have offered no justification of their proposal to demolish a 20-year old school.”

Possible Objections regarding Process

- Table 4.1 of the Planning Statement Part 1 is entitled ‘Relevant adopted local planning policies’ yet it doesn’t include Policy CP13 which is the only policy to mention Eccles by name. Policy CP13 is not addressed anywhere within the planning application.
- Whilst it is true to say that there are significant benefits in providing new houses, the Applicant does not show that those new houses cannot be achieved within the framework of Policy CP16 without the need to invoke paragraph 11 (d) of the NPPF (‘tilted balance’).
- The Applicant has not properly explained why it is proposing to build outside the designated ‘Area of Opportunity’ whilst land is identified within the designated area for future development.
- ‘Tilted balance’ can be used as an argument to support the building of 950 new homes. It cannot be used to support the building of new homes contrary to the conditions in the adopted plan when they can in fact be built in accordance with the conditions in the adopted plan.
- Policy CP16 specifies the conditions that must be met by any new development at Bushey Wood in response to a future housing shortage. By definition these conditions cannot be made redundant by the lack of a five-year housing supply.

- Whilst the current Development Plan is now mostly spent, the conditions specified for Bushey Wood development are explicit to the post 2021 period and therefore remain fully applicable.
- Eccles village was identified for development only because of adjacent damaged land but the proposal now is to build solely upon agricultural land.
- The planning application does not provide sufficient public evidence to justify development outside of the Area of Opportunity in contradiction to policy CP16. A single sentence justification is not sufficient to compensate for the absence of a statutory Area Action Plan as mandated by Policy CP16.
- The last-minute attempt by the Applicant to redefine the 'Area of Opportunity' is inconsistent with the definition in the Core Strategy. The Core Strategy defines the 'Area of Opportunity' as an area of search within which development will take place, but the Applicant has searched a wider area and then redefined the 'Area of Opportunity' to encompass the outcome of the search.
- The proposal to build outside the designated 'Area of Opportunity' is extremely oppressive to Eccles and is contrary to the requirement in 6.3.22 of the Core Strategy "to protect the identity and character of Eccles village".
- Reverse engineering and a common-sense extension of the 'Generalised Constraints Analysis' that the Applicant presented in its previous Regulation 19 submission strongly indicates that there is no justification for building to the East of Bull Lane.
- The Applicant has not undertaken a sensitivity analysis to determine the magnitude of any relative disadvantage for a development configuration that fully conforms to the adopted plan.
- The Applicant has given no consideration to the fact that the proposed development site is immediately adjacent to a vineyard of national importance and may itself have significant potential for viticulture.
- The Council has delegated the planning of the Bushey Wood development to the developer contrary to the concerns of the Planning Inspector for the 1998 Local Plan.
- The planning application offers no justification for the demolition of a 20-year-old school.
- The Applicant's modelling of traffic flow through Aylesford village does not take account of the level crossing which is the main cause of backup through the village. The discrepancy that KCC Highways has observed between the modelling and actuality is consistent with the absence of the level crossing within the model.
- The 1998 Local Plan proposed a pedestrian bridge linking the new development to New Hythe Station. Without this, residents will be solely dependent upon private transport and a bus service which runs only twice a week.

- The Applicant's claims under paragraph 11 (d) of the NPPF must be considered against the more restrictive interpretation of 'tilted balance' that was recently determined by the judge in the case of *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government & Anor* , (and upheld in appeal).
- In particular, the judge stated "*If development plan policies were to be disregarded, this would also mean that policies that favoured development would be ignored in decisions*". Yet the Applicant wishes to claim the historic right to undertake development at Bushey Wood under policy CP16 but to ignore the constraints placed upon that development by that policy.

The above bullet points reflect issues that have already been addressed as comments on the planning application. It is helpful if APC can reiterate these because the parish council has more weight as a designated consultee. The hope is that Trenport will feel the need to respond and that will allow us to judge their strengths and weaknesses ahead of the final decision process. One of the replies that Trenport gave to Burham was totally incorrect. It would be helpful to have up early visibility of any Trenport misinformation (whether deliberate or not).